

Washington, Wednesday, June 24, 1959

## Title 6—AGRICULTURAL **CREDIT**

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture SUBCHAPTER C-INTERNATIONAL WHEAT **AGREEMENT** 

## WHEAT AND WHEAT

PART 483—WHEAT AND WHEAT FLOUR EXPORT PROGRAM (IWA)
Subpart—Terms and Conditions of 1959–60 Program (GR–384)
GENERAL
Sec. 483.301 General statement.
ELIGIBILITY FOR PAYMENT BY THE SECRETARY
483.305 General conditions of eligibility. 483.306 Countries and buyers to which wheat and flour may be exporte.'. 483.307 Date of exportation. 483.308 Excess quantities loaded. 483.309 Wheat and flour exported prior to sale.
EXPORT PAYMENT RATES AND ANNOUNCEMENTS
483.320 Announcement of rates. 483.321 Determination of rates. 483.322 Conversion factors.
REGISTRATION OF SALES AND REPORTS
483.325 Notice of Sale. 483.326 Notice of Registration. 483.327 Declaration of Sale and evidence of sale.  Notice of export on flows
483.328 Notice of export on flour.
OBLIGATION AND DEFAULT
483.340 Exporter's agreement with the Secretary. 483.341 Cancellation of sale or failure to export.
Application for Payment
483.345 Public Voucher Form CSS-21. 483.346 Documents required to evidence exportation of flour.
483.347 Documents required to evidence exportation of wheat.

MISCELLANEOUS PROVISIONS

Records and accounts.

Submission of reports.

CSS Commodity Offices.

Officials not to benefit. Amendment and termination.

Additional reports.

Good faith.

Assignments.

Joint payee.

483.375

483.376

483.377

483.378

483.379

483.380

483.381

483.382

483.383

DEFINITIONS	
Sec. 483,384 Administrator.	
483,385 Cablegram.	Agriculture
483.386 Commercial sales.	Proposed ru
483.387 Day.	Blueberri
483.388 Designated countries.	ards fo
483.389 Director.	Milk in
483.390 Export and exportation.	
483.391 Exporter.	area
483.392 Flour.	tativ
483.393 International Wheat Agreement.	orde
483.394 IWA Crop Year or Crop Year.	Chatta
483.395 Ocean Carrier.	Greate
483.396 Continental United States.	Southe
483.397 United States Government Agency.	A and and tone
483.398 Wheat.	Agriculture
483.399 Wheat Council.	Rules and
483.400 3:31 e.s.t.	Overtime
AUTHORITY: §§ 483.301 to 483.400 issued	import
under sec. 32, 49 Stat. 773, as amended; 7	muted
U.S.C. sec. 612C.	ances _
GENERAL	Amut andama
0.400.007 (0	Agriculture
§ 483.301 General statement.	See also A
The Secretary of Agriculture (referred	Service;
to in this subpart as the Secretary), pur-	Service;
suant to the authority conferred by sec-	. Authority
tion 32, Public Law 320, 74th Congress,	zation Se
as amended, offers to make payments	Notices:
to exporters under the Terms and Condi-	Farmers
tions stated in this subpart in order to	assignr
encourage the sale and exportation by	Army Dep
commercial exporters of wheat produced	Rules and
in the continental United States and	Bridge, o
flour processed in the continental United	naviga
States or Puerto Rico from wheat pro-	cellane
duced in the continental United States,	
	Atomic En
for shipment to designated countries	MIOIIIIC EII
for shipment to designated countries under the International Wheat Agree- ment, 1959. The program will be ad-	Notices:
under the International Wheat Agreement, 1959. The program will be ad-	Notices: Aeroje
under the International Wheat Agreement, 1959. The program will be administered by the Commodity Stabiliza-	Notices: Aeroje constr
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under the International Wheat Agreement, 1959. The program will be administered by the Commodity Stabilization Service, United States Department of Agriculture, and information pertain-	Notices: Aeroje construment_ Naval Re
under the International Wheat Agreement, 1959. The program will be administered by the Commodity Stabilization Service, United States Department	Notices: Aeroje construment_

#### ELIGIBILITY FOR PAYMENT BY THE SECRETARY

#### § 483.305 General conditions of eligibility.

(a) Payment under this program will be made to an exporter in connection with the net quantity of wheat and flour exported from the continental United States (and Puerto Rico in the case of flour only) to a designated country a defined in § 483.388 and the net quantity of wheat and flour shipped to Canada and exported to a designated country from Canadian ports, excluding Wes

(Continued on next page)

	CONTENTS	
	Agricultural Marketing Service Proposed rule making:	Page
	Blueberries, canned; U.S. stand- ards for grades Milk in certain marketing areas; amendments to ten- tative agreements and orders:	5152
	Chattanooga, Tenn Greater Boston, Mass Southeastern New England_	5158 5152 5156
i 7	Agricultural Research Service Rules and regulations: Overtime services relating to imports and exports; com- muted travel time allow- ances	5140
i -	Agriculture Department See also Agricultural Marketing Service; Agricultural Research Service; Commodity Exchange Authority; Commodity Stabilization Service. Notices:	
•	Farmers Home Administration; assignment of functions	5165
i i i	Army Department Rules and regulations: Bridge, dumping grounds, and navigation regulations; mis- cellaneous amendments	<b>5</b> 15 <b>0</b>
5	Atomic Energy Commission	
-	Notices: Aerojet-General Nucleonics; construction permit amend-	
t •	mentNaval Research Laboratory; fa-	5166
ı •	cility license amendment Proposed rule making:	5166
	Power and test reactors; extension of time for filing comments	5152
-	Civil Service Commission	
l l r	Notices: Skills critical to national security effort; manpower shortage position	5165
£	<b>Commodity Stabilization Service</b>	
5 7 1	Rules and regulations:  Acreage and performance de-	5141
t t	termination; correction Wheat and wheat flour export;	0171

60 program\_\_\_\_\_ 5133



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#### CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplement is now available:

## Title 26 (1954), Part 222 to end (\$2.75)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4-5 (\$0.50); Title 6 (\$1.75); Title 7, Parts 1-50 (\$4.00); Parts 51-52 (\$6.25); Parts 53-209 (\$5.50); Parts 210-899 (\$2.50); Parts 900-959 (\$1.50); Part 960 to end (\$2.25); Title 8 (\$0.35); Title 9 (\$4.75); Titles 10—13 (\$5.50); Title 14, Parts 1—39 (\$0.55); Parts 40—399 (\$0.55); Part 400 to end (\$1.50); Title 15 (\$1.00); Title 16 (\$1.75); Title 18 (\$0.25); Title 19 (\$0.75); Title 21 (\$1.00); Titles 22-23 (\$0.35); Title 24 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Part 300 to end, Title 27 (\$0.30); Title 26 (1954) Parts 1-19 (\$3.25); Parts 20-221 (\$3.00); Titles 28-29 (\$1.50); Titles 30-31 (\$3.50); Title 32, Parts 1–399 (\$1,50); Parts 400–699 (\$1,75); Parts 700–799 (\$0,70); Parts (\$1.75); Parts 700-799 (\$0.70); Parts 800-1099 (\$2.50); Part 1100 to end (\$0.35); Title 32A (\$0.40); Title 33 (\$1.50); Titles 35-37 (\$1.25); Title 38 (\$0.55); Title 39 (\$0.70); Titles 40-42 (\$0.35); Title 43 (\$1.00); Titles 44-45 (\$0.60); Title 46, Parts 1-145 (\$1.00); Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Parts 150 to 1-29 (\$0,70); Part 30 to end (\$0.30); Title 49, Parts 1-70 (\$0.25); Parts 71-90 (\$0.70); Parts 91-164 (\$0.40); Part 165 to end (\$1.00); Title 50 (\$0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

#### **CONTENTS—Continued**

Customs Bureau · Rules and regulations: Miscellaneous amendments (2 documents) 5148,	Page 5150
Defense Department See Army Department.	
Federal Aviation Agency Rules and regulations: Minimum en route IFR altitudes; miscellaneous alterations	5145
Standard instrument approach procedures; miscellaneous alterations	5142
Federal Trade Commission	
Rules and regulations: Skil-Weave Co. et al.; cease and desist order	5148
Fish and Wildlife Service	
Rules and regulations: Razor clams; quota increase in Kodiak area	5151
Interior Department	
See Fish and Wildlife Service.	
Interstate Commerce Commission	
Interstate Commerce Commis-	
Interstate Commerce Commission Notices: Motor carrier: Alternate route deviation notices Applications Certificate or permit covering	5161 5162
Interstate Commerce Commission  Notices:     Motor carrier:     Alternate route deviation notices	5162 5160 5162
Interstate Commerce Commission  Notices:    Motor carrier:    Alternate route deviation notices.    Applications.    Certificate or permit covering operations commenced during "interim" period; applications.  Transfer proceedings.  Proposed rule making:    Qualifications and maximum hours of service of employees of motor carriers and safety of operation and equipment.  Securities and Exchange Commission	5162 5160 5162
Interstate Commerce Commission  Notices:    Motor carrier:    Alternate route deviation notices	5162 5160 5162

#### CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

6 CFR	Page
483	5133
7 CFR'	
718Proposed rules:	5141
52904	5152
904	5152
934	5152

#### CODIFICATION GUIDE-Con.

7 CFR—Continued	rage
Proposed rules—Continued	
990	5156
1000	5158
9 CFR	
97	5140
10 CFR	•
Proposed rules:	
Ch. I	E1 E0
	9192
14 CFR	
609	5142
610`	5145
16 CFR ~	
13	=140
· · · · · · · · · · · · · · · · · · ·	9148
19 CFR	
9	5148
10	5149
11	
14	5150
19 (2 documents) 5149,	5150
24	5150
33 CFR	
203	5150
205	
207	
	0200
49 CFR	
Proposed rules:	
195	5160
50 CFR	
108	5151

Coast Canadian ports, pursuant to a sale to a foreign buyer for which the exporter receives a Notice of Registration from a representative of the Secretary in accordance with § 483.326, subject to the Terms and Conditions set forth in this subpart. Payment also will be made to an exporter on wheat and flour exported prior to sale for which the exporter has received a Notice of Registration from a representative of the Secretary, subject to the Terms and Conditions of this subpart, particularly § 483.309.

(b) Payments under this program will be made only on commercial sales, as defined in § 483.386, entered into on and after the effective date of this program and not later than December 31, 1959, for recording under the Wheat Agreement. Final determination of recordability of a transaction under the Wheat Agreement is under the jurisdiction of the Wheat Council, but an exporter's rights under this subpart are not altered by any action of the Wheat Council. Payments will be made on sales of flour only if the exporter and foreign buyer agree that the price is consistent with a price of wheat which may be entered against obligations of the exporting or importing country under the Wheat Agreement.

(c) A sale which involves wheat or a mixture of wheat produced outside the continental United States, or flour derived in whole or in part from wheat produced outside the continental United States, or flour milled in whole or in part outside the continental United States or Puerto Rico, is not eligible for registration under the program. How-

ever, in the event the Director determines that ineligible wheat or flour is exported unintentionally, payment may be made, but only on that portion of flour which it is established to his satisfaction was milled in the continental United States or Puerto Rico from wheat produced in the continental United States, or, in the case of wheat, on that portion which it is established to his satisfaction was produced in the continental United States.

(d) Payments will be made on export sales of wheat only on condition that the exporter request as provided in § 483.347 (g) that the amount due him be deposited with CCC for his account and that CCC issue to him a wheat export payment certificate for such amount, such certificate to be used only for the purchase of wheat for export under the terms of CCC's Wheat Export Payment Program—Payment in Kind (Announcement GR-345).

(e) To be eligible for payment under this program, the exporter shall furnish documentary evidence of the exportation of wheat or flour, as required in § 483.346 or § 483.347, as appropriate, which has not been used, or will not subsequently be used as evidence of export in connection with any other application for wheat or flour export payment under this program or in connection with any other export program under which CCC has made or has agreed to make an export allowance, or in connection with any other export program which involves the sale of wheat for export at prices which reflect any export allowance. Documentary evidence of export submitted under § 483.162 of announcement GR-345 in connection with purchases of wheat from CCC may also be submitted as evidence of export in connection with applications for export payments.

(f) Sales may be made pursuant to this program to a foreign buyer for shipment to any designated country whether or not such buyer is located in the country of destination. A sale to be eligible for payment must be a bona fide sales transaction with the foreign buyer named in the Notice of Sale and Declaration of Sale. Brokers or agents of either the seller or the foreign buyer shall not be named as the buyer in the Notice of Sale or Declaration of Sale.

(g) The foreign buyer may be an affiliate of the U.S. exporter, in which case the sale registered for export payment must be a bona fide sales transaction in which the affiliate is acting in its own behalf as an independent buyer and not on behalf of the exporter. The foreign sale shall not be a "wash sale" or any other type of intercompany transaction which does not result in an actual exportation against the specific sale on which the export payment rate was based.

(h) Where a sale is made by an exporter to a foreign buyer who simultaneously resells to another foreign buyer, the latter may be the buyer named in the Notice of Sale and Declaration of Sale.

§ 483.306 Countries and buyers to which wheat and flour may be exported.

(a) Except as provided in paragraphs (b) and (c) of this section, exports under this program shall be made only to the designated country and buyer named in the Notice of Sale and Declaration of Sale and the exporter shall not ship, tranship or cause the wheat or flour to be transhipped to any other country.

(b) Exports may be made to a consignee other than the buyer named in the Notice of Sale only if the exporter (1) obtains the written approval of the Director and (2) furnishes the Director a certification that such shipment is at the request of the buyer named in the Notice of Sale and Declaration of Sale, that such shipment constitutes delivery against the exporter's sale to the foreign buyer on which the export payment is based pursuant to § 483.321 and is not in connection with a different sale, and that the exporter knows of no circumstances with respect to such shipment which would impair the integrity of such sale.

(c) The exporter may ship, tranship or cause the wheat or flour to be transhipped to a designated country other than the country named in the Notice of Sale only if the exporter (1) obtains the written approval of the Director and (2) furnishes the Director a certification as required in paragraph (b) of this section.

#### § 483.307 Date of exportation.

(a) Wheat or flour sold for export in a specified export rate period announced by the Department of Agriculture, must be exported before the end of that period in order for the exporter to obtain the export payment rate applicable to that period, unless an extension is obtained in writing from the Director changing the export date to a later period. In the event that export takes place after the specified rate period and the exporter has not obtained an extension to change the export date to a later period, the export payment rate will be that which was in effect at time of sale, or time of giving Notice of Sale, whichever is lower, for the period in which actual export takes place. It will be the policy to grant an extension if it can be established to the satisfaction of the Director that delay in exportation under the contract is not the result of the fault or negligence of the exporter.

(b) Wheat and flour sold for export to a designated country under the Wheat Agreement must be exported not later than July 31, 1960, unless later exportation is authorized by (1) a supplement to a rate announcement (See § 483.320) or (2) in specific cases by written approval of the Director prior to exportation.

#### § 483.308 Excess quantities loaded.

Payment will not be made on a quantity of wheat or flour loaded on vessels, cars, or trucks which is in excess of the quantity shown on the Declaration of Sale plus a one percent tolerance in the case of flour, and either of the following

tolerances, as applicable, in the case of wheat:

(a) A loading tolerance not to exceed 10 percent as shown on the Declaration of Sale, or

(b) A 1 percent tolerance if no loading tolerance is shown on the Declaration of Sale. Any additional quantity loaded must be reported and documented as a new sale and will require a new Notice of Sale, new Declaration of Sale and new evidence of sale.

## § 483.309 Wheat and flour exported prior to sale.

(a) Payments will be made on wheat and flour exported prior to sale, only if such quantity has been reported in accordance with paragraph (b) of this section. Payments will be made only on sales made by the actual exporter of such wheat or flour, and not to any other party who buys such wheat or flour and re-sells it to a designated country.

(b) In order to receive export payment on wheat and flour exported prior to sale the exporter must have reported the exportation of such wheat or flour to the Director within seven days after the date of such exportation as defined in § 483.390, unless additional time for reporting is granted in writing by the Director. This report must include the following information:

(1) Date of exportation.

(2) Port of exportation.

(3) Country and port of original destination of wheat or flour.

(4) Name of ocean vessel upon which loaded.

(5) Quantity in bushels or hundredweight, as applicable.

(6) Class and grade in case of wheat only.

(7) The report shall also contain a statement that the vessel contains other wheat or flour sold by the exporter filing the report, as provided in paragraph (c) of this section.

(c) Unless otherwise approved in writing by the Director, either before or after loading, only unsold wheat or flour which is loaded on a vessel which also carries wheat or flour sold by the same exporter shall be reported under paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In case of part cargo lots the unsold portion shall not exceed 2,000 metric tons. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of wheat or flour exported.

(d) At such time as the wheat or flour is sold, the exporter shall report the sale to the Director and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the wheat or flour sold was reported to the Director, as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad".

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower, for the export

rate period current at such time which applies (1) to the port from which the wheat or flour was exported, and (2) to the country shown in the Declaration of Sale.

#### EXPORT PAYMENT RATES AND ANNOUNCEMENTS

#### § 483.320 Announcement of rates.

Export payment rates will be announced from Washington, D.C., daily or at intervals of up to 7 days. Rates will be released at approximately 3:31 p.m., e.s.t. (see § 483.400), and will remain in effect through 3:30 p.m., e.s.t., on the expiration date stated in the announcement at which time a new announcement will be made No rates will be announced on Saturday, and rates effective at 3:31 p.m., e.s.t., on Friday will be in effect through 3:30 p.m., e.s.t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcements will be available through a press release, ticker service, and through Commodity Stabilization Offices at Portland (Oregon), Minneapolis, Kansas City (Missouri), Dallas and Evanston (Illinois). Different rates of payment for separate coasts or ports, various classes of wheat, destinations, periods of exportation, etc., may be announced simultaneously.

#### § 483.321 Determination of rates.

The rate in effect at the time of sale to the foreign buyer in the country of destination, or the time of giving Notice of Sale as required by § 483.325(a), whichever rate is the lower, shall be the rate applicable to the sale. The supporting evidence of sale submitted by the exporter in form prescribed in § 483 .-327(d), will be the basis for determining the time of sale. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 483.325(a), and present documentary evidence that the sale was made at such time. Time of sale is the earliest time on which a firm contract exists and on which a firm dollar and cents price has been established. Some of the factors which are determinative of such time for the purpose of this program, are as follows:

(a) Time of the exporter's filing a cablegram or mailing a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation of the booking of a shipment or shipments to be made pursuant to an open offer of the exporter to sell or a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter is lar type of flour:

empowered by the terms of the open offer or standing order to firm the contract by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of

(d) Sales may be made through a third principal party but for the purpose of this subpart the third principal party will be considered as an agent or intermediary and the sale as being between the exporter and the ultimate foreign buyer in the country of destination. The time of sale shall be determined by reference to the factors listed elsewhere in this section. The evidence of sale required by § 483.327(d) shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party. For purposes of determining the applicable export payment rate, when the sale is made through an intermediary, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

(e) Any contract provisions which entail provisional, or basic, or maximum or minimum prices to be adjusted at a future date, may affect the time of sale for purposes of this subpart. For example, a contract will be considered to have a firm dollar and cent price if it contains a maximum price which can be reduced only at the seller's option or a minimum price which can be increased only at the buyer's option.

(f) If export is wholly by truck or rail and a firm contract exists at a firm dollar and cents price but the time of sale cannot be determined on the basis of the factors set forth in this section, or by any other means, the sale will be deemed to have been made at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States Customs. If export is by ocean carrier and time of sale cannot be determined as outlined above, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat or flour is loaded on board ocean carrier.

(g) If the time of day at which the sale was consummated is not established and two payment rates are in effect on the day the sale was consummated, the time of sale will be deemed to be at the time the lower of the two rates was in effect.

(h) An exporter should request an interpretation in writing from the Director as to the time of sale in any unusual

#### § 483.322 Conversion factors.

The following conversion factors shall be applied to the announced rate to determine the rate applicable to a particu-

Rate factor Wheat flour (including clears), derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extracttion operation\_\_\_\_\_ 1.000 tional milling practices which are generally accepted in the milling industry in the United States as representing an 80 percent extraction .919 operation\_\_\_\_ Bulgur \_\_\_\_\_ .868 ........ Whole Wheat flour

Flour of a specified percent extraction will be eligible for the applicable rate factor only if the flour exported constitutes a component of the percent of flour extracted under such operation and is not in any part a component of the millfeed by-product. No part of the millfeed by-product from any milling operation shall be eligible at any rate of payment.

#### REGISTRATION OF SALES AND REPORTS § 483.325 Notice of sale.

(a) Time. (1) The exporter shall file a Notice of Sale as soon as possible after the date of the sale (see § 483.379).

(2) Notices of Sale should normally be filed by telegraph, although telephone may be used. Telephoned notices should be confirmed immediately by telegraph.

(3) In order for the exporter to be assured of the current rate of payment, the telegram reporting the sale must be filed or the telephone call made by 3:30 p.m., e.s.t., on the expiration date for such rate as shown in the rate announcement.

(b) Information required. In giving Notice of Sale the exporter must report the following information:

(1) Date of sale.(2) That it is a sale under GR-384.

(3) Contract quantity in bushels for wheat and in net hundredweight for flour. The sales price for flour need not be shown but the notice must contain a certification that the buyer and exporter agree that the price of the flour is consistent with a price of wheat which may be entered against obligations of the exporting or importing country under the Wheat Agreement. This may be reported by the code word "AKORD". The sale price for wheat must be shown on an f.o.b., vessel bulk basis, except that on exports from West Coast ports the price may be given on an instore basis. The f.o.b., or the instore price shown should include all charges and commissions necessary to the sale and moving of the wheat to the f.o.b., or the instore position. For example, a selling agent's commission would be included, whereas guaranteed out-turn insurance would not be included.

(4) The coast of export for wheat only.

(5) Country of destination.

(6) Name of purchaser. (Where the sale involves more than one purchaser the Notice of Sale shall contain the name of one purchaser and the word "others".)

(7) Delivery period specified in contract.

- (8) If under subparagraph (4) of this paragraph, more than one coast of export for wheat is shown, indicate the CSS Commodity Office (Evanston, Dallas or Portland), to which the exporter will submit Voucher Form CSS-21.
- (9) The word "Abroad" for wheat or flour exported prior to sale (see § 483.309(d)).
- (10) Such additional information in individual cases as may be requested by the Director.

#### § 483.326 Notice of registration.

- (a) Upon receipt of the Notice of Sale, a representative of the Secretary will issue a Notice of Registration by telegram unless he determines that to do so would not be in the best interests of the program. A Notice of Registration is a condition precedent to the exporter receiving payment under this subpart. Accordingly, before concluding a transaction it may be to the exporter's advantage in instances involving sales of an unusual nature to ascertain from the office indicated in § 483.379, whether the sale may be registered, or to condition his sales upon his receiving a Notice of Registration under this subpart.
- (b) In the telegram of registration, the representative of the Secretary may utilize the code letters "CEP" to indicate "Confirmed as Eligible for Payment".
- (c) Each Notice of Registration will include a registration number which shall be shown on the Declaration of Sale (see § 483.327), the Notice of Export (see § 483.328), Voucher Form CSS-21 (see § 483.345) and in all correspondence with reference to the transaction.

## § 483.327 Declaration of Sale and evidence of sale.

- (a) Time of submission and required copies. (1) The exporter shall prepare a Declaration of Sale (CCC Form 359 for wheat and CCC Form 362 for flour), and mail or deliver it normally within two days after receipt of Notice of Registration (see § 483.326).
- (2) The Declaration of Sale must be submitted in an original and three copies all of which shall be signed in an original signature by the exporter or his authorized representative. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.
- (3) Only one Declaration of Sale should be submitted by the exporter for each sale identified by a Registration Number assigned in the Notice of Registration (see § 483.326(c)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to Registration Numbers on the respective declarations.
- (b) Information required. The information to be entered on the Declaration of Sale, is as follows:
  - (1) The Registration Number.
  - (2) That it is a sale under GR-384.
- (3) Date and time of sale and of filing Notice of Sale.
- (4) Name of purchaser, or purchasers.
- (5) Contract quantity in net hundredweight for flour. Contract quantity in bushels for wheat, and if the contract

provides for a loading tolerance, the amount of such tolerance.

- (6) Country of destination.
- (7) Delivery period specified in the contract.
- (8) Class and grade of wheat, and protein content when specified in the contract. Type and extraction of flour, the class of wheat from which the flour was milled and the approximate ash content must be shown. For example: "Hard Spring .48 Ash". For blended flours, the most predominant class of wheat contained in the blend should be shown. For example: "blended (predominantly) Hard Winter .70 Ash".
- (9) The sales price in the case of bulk wheat must be given on an f.o.b. vessel, bulk basis, on exports from Gulf and East Coast ports and on an instore, or f.o.b. vessel, bulk basis, on exports from the West Coast ports. The f.o.b. or the instore price shown should include all charges and commissions necessary to the sale and the moving of the wheat to the f.o.b. or the instore position. For example, a selling agent's commission would be included, whereas guaranteed out-turn insurance would not be included.
- (10) Export payment rate per bushel of wheat or per hundredweight of flour in effect as determined by § 483.321.
- (11) Coastal area from which it is anticipated exportation will be made.
- (12) CSS Commodity Office to which Voucher Form CSS-21 will be submitted.
- (13) Such additional information in individual cases as may be requested by the Director.
- (c) Name in which filed. The Declaration of Sale must be filed in the name of the exporter who sold the wheat or flour to a foreign buyer. If the sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all related documents, such as:

## American Milling Company (Trade Name) U.S. Milling Company /s/ John Smith, Secretary

(d) Evidence of sale. Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving a third principal party (See § 483.321(d)), the evidence shall include certified true copies of all documents evidencing the sales which are exchanged between the exporter, the intermediate third party and the ultimate foreign buyer shown in the Notice of Sale and Declaration of Sale, provided such evidence includes all information required under paragraph (b) of this section, and shall also include such additional documentation as requested by the Director. In connection with flour sales, the exporter must also furnish a signed statement or other acceptable evidence, such as an exchange of cables, to the effect that buyer and exporter agree that the price of the flour is consistent with a price of wheat which may be entered against obligations of the exporting or importing country under the Wheat Agreement.

#### § 483.328 Notice of export on flour.

- (a) Time of submission and required copies. A Notice of Export, CCC Form 363, is required in connection with each Declaration of Sale. Such Notice of Export must be mailed or delivered by the exporter normally within three days after date of export of the last shipment against the quantity shown as sold on the applicable Declaration of Sale, unless such time of filing is extended by the Director.
- (b) Information required. The Notice of Export shall contain the following information:
  - (1) Registration Number.
  - (2) Date of export of final shipment.
  - (3) Country of destination.
- (4) Total quantity in net hundredweight actually loaded on all shipments made in connection with applicable Declaration of Sale.
- (5) The U.S. coastal area or areas from which the flour was exported. If more than one coastal area is involved, the quantity exported from each should be shown.

#### OBLIGATION AND DEFAULT

## § 483.340 Exporter's agreement with the Secretary.

The Notice of Sale by the exporter and the Notice of Registration shall constitute an agreement by the exporter to export the quantity of wheat or flour within the prescribed period stated in the Notice of Sale in consideration of the undertaking of the Secretary to make an export payment, subject to the Terms and Conditions of this subpart.

## § 483.341 Cancellation of sale or failure to export.

- (a) The exporter shall notify the Director promptly in every case where he is not able to fulfill his obligation under § 483.340 and must state the reasons therefor.
- (b) If the Administrator after affording an exporter the opportunity to present evidence determines that the exporter has cancelled the sale, or failed to export, or failed to discharge fully any other obligation assumed by him under the program, the exporter shall pay on demand any damages resulting from his failure to discharge his obligation to the Secretary, and the exporter may be denied the right to continue participating in this program or in any other program of USDA and CCC for such period as the Administrator may determine and until the exporter has complied with such terms and conditions as the Administrator may prescribe. unless the exporter establishes to the satisfaction of the Administrator that his failure to discharge his obligations under the program was not due to his fault or negligence.
- (c) If any quantity of wheat or flour exported pursuant to the exporter's contract with the Secretary is reentered into Canada or the continental United States,

Alaska, Hawaii, or Puerto Rico, whether or not such reentry is caused by the exporter, or if any flour is transhipped or caused to be transhipped by the exporter to any country that is not a designated country, the exporter shall be in default, shall refund any payment made, and shall comply with any demand made pursuant to the requirement of paragraph (b) of this section. The exporter shall not be required to refund the payment if he establishes to the satisfaction of the Administrator with respect to any reentry that (1) the reentry was not due to his fault or negligence and promptly after he received notice of reentry he exported the wheat or flour required to be exported to a designated country under his contract with the Secretary, or (2) the wheat or flour reentered was lost, damaged or destroyed and the physical condition is such that its reentry will not impair CCC's price support program.

#### APPLICATION FOR PAYMENT

#### § 483.345 Public Voucher Form CSS-21.

An original and two (2) copies of Public Voucher-Commodity Programs. Form CSS-21, must be prepared and submitted together with the evidence of exportation as set forth in § 483.346 for flour or § 483.347 for wheat, as appropriate. In the case of wheat, the statement required in § 483.347(g) must appear on the voucher or on an attachment thereto. The voucher and supporting documents must be presented to the CSS Commodity Office shown on the acknowledged copy of the Declaration of Sale. which is returned to the exporter. Supplies of Form CSS-21 and instructions regarding their preparation and submission with supporting documents may be obtained from the CSS Commodity Offices listed in § 483.381 or from the office indicated in § 483.379.

## § 483.346 Documents required to evidence exportation of flour.

In the case of flour each Public Voucher, Form CSS-21, must be supported by the following evidence of export, as applicable, unless otherwise approved by the Director:

(a) If export is by water or air, a nonnegotiable duplicate copy of the applicable on-board commercial bill of lading signed by an agent of the export carrier which shows the weight of the flour exported, the number of containers, the weight of the containers (or a certification from the exporter as to the weight of the containers), the identification of the export carrier, and that the flour is destined for the buyer and the country of destination identified on the Declaration of Sale, or to a different consignee or country determined pursuant to § 483.306. Where loss, damage, or destruction of the flour occurs subsequent to loading aboard the export carrier, but prior to issuance of the onboard commercial bill of lading, a copy of the loading tally sheet or acceptable similar document may be substituted for the bill of lading. If the final destination of the shipment is a designated country not shown on the commercial bill an authenticated copy of the Shipper's Export Declaration.

(b) If export is by rail or truck, a Shipper's Export Declaration, authenticated by a representative of the Bureau of Customs at the port of export which identifies the shipment(s), the date of clearance into the foreign country, the weight of the flour and shows that the flour is destined for the buyer identified in the Declaration of Sale. If the weight of the flour shown on the Shipper's Export Declaration includes the weight of the containers, the exporter must submit a certification of the weight of the containers.

(c) If the shipper or consignor named in the on-board commercial bill(s) of lading or the Shipper's Export Declaration(s), is other than the exporter named in the Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the on-board commercial bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence exportation.

(d) A certification by the exporter that the flour for which export payment is claimed is the same flour which is described in the Declaration of Sale and which is covered by the evidence of export referred to in paragraph (a) or (b) of this section, and a certification of the weight of any enrichments or other additives to the flour in excess of one-half of one percent of the combined net weight of the flour and additives.

(e) Where shipment takes place from a Canadian port,

(1) One signed or certified true copy of the bill of lading or other document covering the movement of the flour from the continental United States to Canada, and

(2) One signed or certified true copy of a document evidencing the preservation of the identity of the flour until exported from Canada.

(3) A certification by the exporter that the flour was milled in the continental United States or Puerto Rico from wheat produced in the continental United States.

(f) Where the exporter intends to ship, tranship, or cause flour to be transhipped to one or more of the countries or areas identified in the Appendix to these Terms and Conditions, the license issued by the Bureau of Foreign Commerce, U.S. Department of Commerce for such movement shall be identified in the on-board commercial bill of lading. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the exporter shall state that a specific license is not required.

(g) Such additional evidence of export as the Director may require in order to determine that there has been compliance with the export requirements hereof.

## § 483.347 Documents required to evidence exportation of wheat.

tion of the shipment is a designated country not shown on the commercial bill voucher, Form CSS-21, must be suported by the following documents, as

applicable, unless otherwise approved by the Director:

(a) If the exportation is by water or air, a non-negotiable duplicate copy of the applicable on-board commercial bill of lading signed by an agent of the export carrier, which shows the weight of the wheat, and identification of the export carrier, and indicates that the wheat is destined for the foreign buyer(s) and the country of destination identified in the Declaration of Sale or to a different consignee or designated country determined pursuant to § 483.306. In the case of bagged wheat, an on-board commercial bill of lading showing the gross weight of the wheat and the number of bags may be furnished, provided the onboard commercial bill of lading also shows the weight of the bags or the exporter furnishes a certification as to the weight of the bags. Where loss, damage or destruction of the wheat occurs subsequent to loading aboard the export carrier but prior to issuance of on-board commercial bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the commercial bill of lading. If the final destination is a designated country not shown on the commercial bill of lading, the exporter shall also furnish one copy of the Shipper's Export Declaration, authenticated by the appropriate United States Customs official.

(b) If export is by rail or truck, one copy of Shipper's Export Declaration, authenticated by the appropriate United States Customs official, which identifies the shipment(s), the date of clearance into the foreign country and the weight of the wheat. If bagged, the exporter shall also furnish a certification of the weight of the bags.

(c) One copy of an Export Grain Inspection Certificate issued by an inspector licensed under the United States Grain Standards Act. If the Inspection Certificate shows mixed wheat, it will be necessary for the grade designation to show the approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture.

(d) On bulk wheat, a copy of the official loading weight certificate.

(e) Where shipment is exported from a Canadian port,

(1) One signed or certified true copy of the bill of lading or other document covering the movement of the wheat from the continental United States to Canada.

(2) One signed or certified true copy of a document evidencing the preservation of the identity of the wheat until exported from Canada, and

(3) A certification by the exporter that the wheat was produced in the continental United States.

(f) If the shipper or consignor named in the on-board commercial bills(s) of lading or the Shipper's Export Declaration(s), is other than the exporter named in the Declaration-of Sale, waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the on-board bill(s) of lading or Shipper's

Export Declaration(s) submitted to evidence exportation.

(g) The following request shall be shown on Form CSS-21, or included on a separate sheet and signed and attached to Form CSS-21:

It is requested that the amount due me on this voucher be deposited with CCC for my account and that CCC issue to me a wheat export payment certificate for such amount, such certificate to be used only for the purchase of wheat for export, in accordance with § 483.146, §§ 483.155–483.165 and other applicable provisions of the Terms and Conditions of the Wheat Export Payment Program—Payment in Kind (GR-345) relating to such certificates.

(h) Where the exporter intends to ship, tranship, or cause wheat to be transhipped to one or more of the countries or areas identified in the Appendix to these Terms and Conditions, the license issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, for such movement shall be identified in the on-board commercial bill of lading. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the exporter shall state that a specific license is not required.

(i) Such additional evidence of export as the Director may require in order to determine that there has been compliance with the export requirements hereof.

#### MISCELLANEOUS PROVISIONS

#### § 483.375 Good faith.

If the Administrator after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart such exporter may be denied (a) the right to continue participation in this or in any other program of CSS or CCC, or (b) the right to receive payment under this subpart in connection with any sales previously made under this program, or both. Any such action shall not affect any other right of the Department of Agriculture or the Government by way of the premises.

#### § 483.376 Assignments.

Assignments of the exporter's rights and obligations under his contract with the Secretary are not authorized except that the exporter may assign any payments due or to become due under a contract with the Secretary on flour in accordance with the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15) to a bank, trust company, Federal Lending agency, or other recognized financing institution. Such assignment shall be recognized only if and when the assignee. thereof files written notice of the assignment, in accordance with the instructions on Form CSS-66, "Notice of Assignment", which form must be used in giving notice of assignments to USDA. The "Instrument of Assignment" may be executed on Form CSS-347 or the assignee may use his own form of assignment. The CSS Forms may be obtained from-the Director or any CSS Commod-

ity Office. Assignments are not authorized in connection with export payments on wheat deposited with CCC for the account of the exporter; however, the wheat export payment certificate issued by CCC for the amount of such deposit may be assigned or transferred by endorsement in accordance with the provisions of GR-345.

#### § 483.377 Joint payee.

The exporter may name a joint payee on vouchers covering the exportation of flour.

#### § 483.378 Records and accounts.

Each exporter shall maintain accurate records showing sales and deliveries of wheat and/or flour exported or to be exported in connection with this program. Such records, accounts and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

#### § 483.379 Submission of reports.

The Notice of Sale, Declaration of Sale, Notice of Export, and related reports required under this subpart to be submitted to the Director should be addressed as follows:

Chief, Commercial Export Branch, Grain Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

Delivery to the above office of telegraphic Notices of Sale will be expedited if addressed as follows:

Com Ex Branch, USDA (MK), Washington, D.C.

The telephone number of this office is REpublic 7-4142, Extensions 3261, 3262, 3927 and 3928.

#### § 483.380 Additional reports.

The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

#### § 483.381 CSS Commodity Offices.

The CSS Commodity Offices from which information governing this program is obtainable, are as follows:

#### OFFICE

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 2201 Howard Street, Evanston, Ill.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Tex.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 560 Westport Road, Kansas City 41, Mo.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis 10, Minn. Director, Commodity Stabilization Service

Office, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oreg.

### § 483.382 Officials not to benefit.

No member or delegate to Congress, or resident commissioner, shall be admitted

to any benefit that may arise from any provisions of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

#### § 483.383 Amendment and termination.

This offer may be amended or terminated by filing of such amendment or termination with the Federal Register for publication. Any such amendment or termination shall not be applicable to contracts with the Secretary which are made before the effective time and date of such amendment or termination.

#### DEFINITIONS

#### § 483.384 Administrator.

"Administrator" means the Administrator of the Commodity Stabilization Service or his designee.

#### § 483.385 Cablegram.

The term "cablegram" means cablegram, telegram or any similar means of communication.

#### § 483.386 Commercial sales.

"Commercial Sales" means those sales which conform to the usual commercial practices in international trade and excludes transactions having features introduced by the government of the countries concerned which do not conform with usual commercial practices.

#### § 483.387 Day.

"Day" means calendar day.

#### § 483.388 Designated countries.

A designated country shall be any country or territory which has been designated in the announcement of export payment rates as provided in § 483.320.

#### § 483.389 Director.

"Director" means the Director of the Grain Division, Commodity Stabilization Service, Washington, D.C.

#### § 483.390 Export and exportation.

"Export" and "exportation" mean, except as hereinafter provided, a shipment of wheat or flour destined to a designated country from the continental United States and also in the case of flour from Puerto Rico, or a shipment from Canada destined to a designated country of wheat or flour which has been moved from the continental United States into Canada, provided the identity of the wheat or flour is preserved until shipped from Canada. The wheat or flour so shipped shall be deemed to have been exported on the date which appears on the applicable on-board export bill of lading, or if shipment to the designated country is by truck or rail, the date the shipment clears the United States Customs. If the wheat or flour is lost, de-stroyed or damaged after loading on board an export vessel, exportation shall be deemed to have been made as of the date of the on-board vessel bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to loading aboard vessel but prior to issuance of the on-board bill of

lading: Provided, That if the "lost" or "damaged" wheat or flour remains in the continental United States or Puerto Rico, as applicable, it shall be considered as re-entered wheat or flour and shall be subject to the provisions of § 483.341(c). Exportation by or to a United States Government agency shall not qualify as an exportation under the provisions of this announcement.

(Note to Exporter: Since the export payment on any given quantity of wheat or flour is conditioned upon the exportation thereof to a designated country, exporters may find it desirable to carry insurance on the full domestic value of wheat or flour against any loss which may occur prior to the wheat or flour leaving this country by rail or truck or prior to loading on the export vessel.)

#### § 483.391 Exporter.

"Exporter" means an individual, corporation, partnership, association or other business entity, which is regularly engaged in the husiness of buying and selling wheat or flour for export and for this purpose maintains a bona fide business office in the continental United States (or Puerto Rico in the case of flour) and therein has a person, principal, or resident agent upon whom service of process may be had.

#### § 483.392 Flour.

"Flour" means wheat flour processed in the continental United States or Puerto Rico from wheat as defined in the Official Grain Standards of the United States and grown in the continental United States, including whole wheat flour, durum flour, malted wheat flour, semolina, farina and bulgur, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour; and shall not include flour mixes unless composed entirely of wheat flour, except for additives. The flour shall be such as to not be in conflict with the laws of the country to which it is intended for export. As used herein, the word bulgur means the food product prepared from wheat by scouring, tempering, cooking (steaming under pressure), drying, removing the bran coat and grinding into granular form and screening to various size granules. The quantity of flour exported which is eligible for export payment shall be determined by deducting from the net weight of the shipment, the weight of any enrichment, or other additive (including Creta Praeperata), in excess of one-half of one percent of the combined net weight of the flour and additive. (See § 483.322 with regard to eligibility of particular types of flour for particular rates of payment.)

#### § 483.393 International Wheat Agreement.

"International Wheat Agreement" or IWA, means the 1959 International Wheat Agreement signed at Washington, D.C. in April, 1959.

#### § 483.394 IWA Crop Year or Crop Year.

"IWA Crop Year or Crop Year" means the year beginning August 1, 1959, and ending July 31, 1960.

#### § 483.395 Ocean Carrier.

"Ocean Carrier" means the vessel on which shipment from the United States, or Puerto Rico, or Canada, other than ported pursuant to a sale registered, mations under the armsum to regunder this program.

#### § 483.396 Continental United States.

"Continental United States" unless otherwise qualified means all of those states situated on the North American continent excluding Alaska.

#### § 483.397 United States Government Agency.

"United States Government Agency" means any corporation, wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government as, for example, the Departments of the Army, Navy and Air Force, the International Cooperation Administration, the Army and Air Force Exchange Service, and the Panama Canal Company. Sales of flour to foreign buyers, including foreign governments though financed with funds made available by a U.S. agency, such as the International Cooperation Administration or the Export-Import Bank, are not sales to a U.S. Government agency, provided such flour is not for transfer to a U.S. Government agency.

#### § 483.398 Wheat.

"Wheat" means wheat grown in the continental United States and as defined in the official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment and which satisfies the exportation requirements of this subpart, shall be determined by deducting from the weight of the wheat (which shall not include the weight of any bags) any dockage indicated on the inspection certificate issued at the time of loading for export.

#### § 483.399 Wheat Council.

"Wheat Council" means the International Wheat Council established by Article 22 of the 1959 International Wheat Agreement

#### § 483.400 3:31 e.s.t.

"3:31 e.s.t.", as used in this subpart means 3:31 eastern standard time, except that when Washington, D.C. is on daylight saving time 3:31 e.s.t. means 3:31 eastern daylight saving time (2:31 eastern standard time).

Effective time and date. This offer shall be effective on June 22, 1959 at 3:31 p.m., e.s.t. with respect to sales made to a designated country but shall not apply to any sales made later than December 31, 1959.

Note: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

Issued this 18th day of June 1959.

CLARENCE D. PALMBY, Acting Administrator. Commodity Stabilization Service. APPENDIX

NOTICE TO EXPORTERS

(Revision of October 21, 1958)

The Department of Commerce, Bureau of ulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled areas of Vietnam. except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong or Macao unless the commodity is included on the general license GHK list.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves \$10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgement of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Hong Kong or Macao unless the commodity is on the General License GHK list (CES § 371.23); and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign pur-chaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof pur-chased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule § 379.10 (c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional infor-mation as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

[F.R. Doc. 59-5218; Filed, June 23, 1959; 8:47 a.m.]

### Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I-Agricultural Research Service, Department of Agriculture

SUBCHAPTER D-EXPORTATION AND IMPORTA-TION OF ANIMALS'AND ANIMAL PRODUCTS

#### PART 97—OVERTIME SERVICES RE-LATING TO IMPORTS AND EXPORTS

#### Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director, Animal Inspection

and Quarantine Division by § 97.1 of the regulations governing overtime services relating to imports and exports (9 CFR Part 97 as amended), the administrative instructions issued July 3, 1957 in § 97.2 to prescribe the commuted travel time that shall be included in each period of overtime as described in the said § 97.1 are amended as follows:

#### Administrative instructions prescribing commuted travel time.

Each period of overtime duty as prescribed in § 97.1 shall, in addition, include a commuted travel time period for the respective ports, stations, and areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The period of requested overtime outside of the regular tour of duty may necessitate the services of more than one employee or travel from another point, in which event the commuted travel period as illustrated in this section may differ depending upon the station from which the employee travels. The commuted travel time period for the respective ports, stations and areas is as follows:

Alburg, Vt. (served from St. Albans, Vt.). Alexandria Bay, N.Y. (served from Clayton, N.Y.).

Brownsville, Tex. Buffalo, N.Y.

Calexico, Calif. (served from El Centro, Calif).

Champlain, N.Y.

Del Rio, Tex.

Derby Line, Vt. (served from Newport, Vt.).

Douglas, Ariz. Eagle Pass, Tex.

El Paso, Tex.

Galveston, Tex.

Highgate Springs, Vt. (served from St. Albans, Vt.).

Hidalgo, Tex. Houlton, Maine.

Laredo, Tex.

Monticello, Maine (served from Houlton, Maine).

Mooers Junction, N.Y. (served from Champlain, N.Y.).

Morristown, N.Y. (served from Ogdensburg, N.Y.).

Naco, Ariz.

Newport, Vt.

Nogales, Ariz.

North Troy, Vt. (served from Newport, Vt.). Noyes, Minn. (served from Pembina,

Ogdensburg, N.Y. Pembina, N. Dak.

Portal, N. Dak.

Presidio, Tex.

Port Huron, Mich.

Rio Grande, Tex.

Roma, Tex.

Rouses Point, N.Y. (served from Champlain, N.Y.). San Juan, P.R.

San Luis, Ariz.

San Ysidro, Calif. St. Albans, Vt.

Spokane, Wash

Sweetgrass, Mont.

Yuma, Ariz.

#### Two Hours

Blaine, Wash. (served from Bellingham, Wash.).

Bridgewater, Maine (served from Houlton, Maine).

Honolulu, T.H.

No. 123----2

Houston, Tex.

Indianapolis, Ind. .
Island Pond, Vt. (served from Newport,

Jacksonville, Fla.

Lynden, Wash. (served from Bellingham, Wash.).

Miami, Fla.

Mobile, Ala. Naco, Ariz. (served from Douglas, Ariz.). Niagara Falls, N.Y. (served from Buffalo,

Norfolk-Newport News, Va.

Oroville, Wash. (served from Tonasket, Wash.)

Portland, Oreg.

Richford, Vt. (served from St. Albans, Vt.). San Diego, Calif. (served from San Ysidro, Calif.)

St. Petersburg, Fla. (served from Tampa, Fla.).

San Francisco, Calif.

Seattle, Wash.

Sumas, Wash. (served from Bellingham, Wash.).

Tacoma, Wash. (served from Olympia, Wash.).

Tampa, Fla.

Waddington, N.Y. (served from Ogdensburg, N.Y.).

Yuma, Ariz. (served from San Luis, Ariz.).

#### THREE HOURS

Antelope Wells, N. Mex. (served from El Paso, Tex.).

Baltimore, Md.

Beechers Falls, Vt. (served from Newport,

Boston, Mass.

Calais, Maine (served from Houlton, Maine).

Chateaugay, N.Y. (served from Champlain, N.Y.)

Columbus, N. Mex. (served from El Paso. Tex.)

Del Rio, Tex. (served from Eagle Pass, Tex.). Detroit, Mich. Eastport, Idaho (served from Spokane,

Wash.). Eastport, Maine (served from Houlton,

Maine). Fort Covington, N.Y. (served from Ogdens-

burg, N.Y.) Fort Fairfield, Maine (served from Houlton,

Maine). Fort Kent, Maine (served from Houlton, Maine).

Hidalgo, Tex. (served from Brownsville, Tex.).

Hogansburg, N.Y. (served from Ogdens-

burg, N.Y.). Holeb, Maine (served from Augusta,

Jackman, Maine (served from Augusta, Maine).

Laurier, Wash. (served from Tonasket, Wash.).

Limestone, Maine (served from Houlton, Maine).

Los Angeles, Calif.

Madawaska, Maine (served from Houlton, Maine).

Malone, N.Y. (served from Champlain, N.Y.).

Newport News, Va. (served from Richmond, ٧a.).

New Orleans, La.

New York, N.Y.

ville, Tex.).

Nighthawk, Wash. (served from Tonasket, Wash.).

Nogales, Ariz. (served from Tucson, Ariz.). Philadelphia, Pa.

Porthill, Idaho (served from Spokane, Wash.).

Presidio, Tex. (served from El Paso, Tex.). Rio Grande City, Tex. (served from Browns-

Roma, Tex. (served from Brownsville, Tex.).

Rooseveltown, N.Y. (served from Ogdensburg, N.Y.).

Sault Ste. Marie, Mich. (served from Lansing, Mich.).

Sasabe, Ariz. (served from Tucson, Ariz.) Trout River, N.Y. (served from Champlain,

N.Y.). Van Buren, Maine (served from Houlton,

Maine). Vanceboro, Maine (served from Houlton,

Maine).

Wilmington, Del. (served from Phila. Pa).

The commuted travel time for locations not listed herein and designated under § 92.3(e) shall be three hours.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Animal Inspection and Quarantine Division.

The purposes of this revision are to delete certain ports and stations where employees are no longer stationed, to add several new ports, and to readjust the commuted time allowances at certain other ports.

It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, or contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

These administrative instructions shall be effective June 28, 1959.

(64 Stat. 561; 5 U.S.C. 576)

Done at Washington, D.C., this 18th day of June 1959.

CLAUDE A. SMITH, Acting Director, Animal Inspection and Quarantine Division.

[F.R. Doc. 59-5217; Filed, June 23, 1959; 8:47 a.m.]

## Title 7-AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

#### 718—DETERMINATION OF ACREAGE AND PERFORMANCE

#### Correction

In F.R. Doc. 59-4403, appearing at page 4223 of the issue for Wednesday, May 27, 1959, the table in § 718.15(b) should be changed so that the column captions pertaining to § 718.12 will read:

(1-ii)	(2-i)	(2-li)

### Title 14—AERONAUTICS AND SPACE

#### Chapter III—Federal Aviation Agency

[Regulatory Docket No. 27; Amdt. 122]

#### PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

#### Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Cellings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

	`Transition	-	-	Ceiling	g and visibili	ty minimum	s
From-	То-		Minimum altitude (feet)	Condition	2-engin 65 knots or less	e or less Mòre than 65 knots	More than 2-erigine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE MAY 7, 1959. FACILITY DECOMMISSIONED:

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun.; Elev., 1029'; Fac. Class, SBMRAZ; Ident., SPS; Procedure No. 1, Amdt. 1; Est. Date, 5 May 57; Sup. Amdt. No. Orig.; Dated, 4 May 57

#### 2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for on route operation in the particular area or as set forth below.

Transition				Ceiling	and visibili	ty minimum	3.
	-	Minimum		num	2-engine or less		More than 2-engine.
From-	То—	Course and distance	altitude (feet)	Condition	65 knots or less	More than. . 65 knots	more than
NBB LFR. Atlantic City VOR. Vineland Int.	LOM:	Direct Direct Direct	1500 1500 1500	T-dn C-dn. S-dn-13 A-dn.	400-1 400-1	300-1· 500-1 400-1 - 800-2	200-1/2 500-1/2 400-1 800-2

Procedure turn South side of crs, 303° Ontbnd, 123° Inbnd, 1500′ within 10 miles.

Minimum altitude over facility on final approach crs, 1000′.

Crs and distance, facility to airport, 125°—4.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi after passing LOM, make a right elimbing turn and proceed direct to the LOM at 1500′.

City, Atlantic City; State, N.J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 70'; Fac. Class, LOM; Ident., AC; Procedure No. 1; Amdt. Orig.; Eff. Date, 11 July 59

 <u>.</u>			 				
 •	•	, ,		T-dn C-dn S-dn-3 A-dn.	400-1 400-1	300-1 500-1 400-1 800-2	NA NA NA NA

Radar terminal area transition altitude: 3000' within 15 miles of Grannis Airport.

Procedure turn S side of crs. 212° Outbnd, 032° Inbnd, 1300' within 10 mi.

Minimum altitude over facility on final approach crs, 800'.

Crs and distance, facility to airport, 032° 3-3.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi make right climbing turn to 2000' and return to

Clty, Fayetteville; State, N.C.; Airport Name, Grannis; Elev., 188'; Fac. Class, MHW; Ident., FAY; Procedure No. 1, Amdt. 2; Eff. Date, 11 July 59; Sup. Amdt. No. 1; Dated, 8 Nov. 58

TYS LFR Tallassee FM Loudon Int TYS VOR Tallassee Int Rasar Int SW crs TYS LFR and 290° brug from LOM.	LOM ,	Direct	2200 3700 2300 2400 3700 3700 2300	T-dn C-d C-n S-dn-4L	500-1 500-1 <sup>1</sup> / <sub>2</sub> 400-1	300-1 500-1 500-1½ 400-1 800-2	200-1/2 500-1/2 500-1/2 400-1 800-2
<del>-</del>	,	1		1	t .	<b>i</b>	

Radar Terminal Area Transition Altitudes: 0-360° within 5 mi 2500′; 091°-179° within 10 mi 4000′; 180°-090° within 10 mi 2500′; 158°-205° within 17 mi 5000′; 355°-070° within 17 mi 3000′; 205°-270° within 24 mi 2500′; 355°-070° within 25 mi 3100′.

All bearings and distances are from the Radar Antenna Site with sector azimuths progressing clockwise.

Procedure turn W side SW crs, 225° Outhond, 045° Inbond, 2700′ within 10 mi.

Minimum altitude over facility on final approach crs, 2000′.

Crs and distance, facility to airport, 045°-5.4 mi.

If visual contact not established upon decent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, turn left, climb to 3000′ on N crs TYS LFR within 20 mi.

City, Knoxville; State, Tenn.; Airport Name, McGhec-Tyson; Elev., 989'; Fac. Class, LOM; Ident., TY; Procedure No. 1, Amdt. 17; Eff Date, 11 July 59; Sup. Amdt. No. 16 (ADF portion of Comb. ILS-ADF); Dated, 1 Dec. 56.

#### ADF STANDARD INSTRUMENT APPROACH PROCEDURE-Continued

	Transition			Celling	and visibili	ty minimum	3
From—	То—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than
					65 knots or less	More than 65 knots	2-engine, more than 65 knots
Providence LFR Providence VOR Wyoming FM Moosup Int Lafayette Int	LOM (Final)	Direct	1600 1600 1100 1600 1100	T-dn C-dn S-dn-5R A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-14 500-114 500-1 800-2

Procedure turn West side of crs, 226° Outbnd, 046° Inbnd, 1600′ within 10 mi. NA beyond 10 miles.

Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 046°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, climb to 1000′ on crs of 5°, then make a climbing right turn and return to Providence LFR at 1700′ or, when directed by ATC, climb to 2700′ on SW crs of Squantum LFR.

Note: Procedure turn is conducted West to provide separation from traffic at Quonset Point NAS.

City, Providence; State, R.I.; Airport Name, Green; Elev., 56'; Fac. Class, LOM; Ident., PV; Procedure No. 1, Amdt. 3; Eff. Date, 11 July 59; Sup. Amdt. No. 2 (ADF portion of Comb. ILS-ADF); Dated, 4 Aug. 56

#### 3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

#### VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition			Ceiling	and visibili	and visibility minimums			
			Minimum		2-engine or less		More than	
From—		То	Course and distance	altitude (feet)	Condition	65 knots or less	More than 65 knots	2-engine, more than 65 knots
	•			T-dn C-d C-n S-dn-17 A-dn#	300-1 600-1 600-2 600-1 800-2	300-1 600-1 600-2 600-1 800-2	200-11/2 600-11/2 600-2 600-1 800-2	

Procedure turn West side of crs, 346° Outbud, 166° Inbud, 2100′ within 10 mi. Beyond 10 mi NA.

Minimum altitude over facility on final approach crs, 1400′.

Crs and distance, facility to airport, 166°—4.1 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi, climb to 2100′ on R-166 within 20 miles.

Notes: (1) Public weather service not available. (2) All pilots using this procedure requested to close IFR flight plans immediately upon completion of approach with

Tulsa Radio. Trans 122.1 Rec 122.2 or BVO Radio or commercial facilities.

Air Carrier Note: Runway 5-23 Not Authorized for air carrier operations. No reduction in landing minima authorized by application of sl.ding scale, or for local weather conditions. No reduction into or landing minima authorized for cargo or ferry flights. Procedure may be authorized only for carriers having approval of their requirement for weather service at this airport.

#Alternate usage authorized for Air Carrier only.

City, Bartlesville; State, Okla.; Airport Name, Phillips; Elev., 715'; Fac. Class, VOR; Ident., BVO; Procedure No. 1, Amdt. Orig.; Eff. Date, 11 July 59

Wichita Falls RBn	Wichita Falls VOR	Direct Direct	3000 2600	T-dn C-dn A-dn	500-1	300-1 500-1 800-2	200-1/2 500-1/2 800-2
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Procedure turn \*N side of crs, 276° Outbnd, 096° Inbnd, 2300′ within 10 miles. NA beyond 10 miles.

\*Nonstandard due ATC requirements.

Minimum altitude over facility on final approach, 1700′.

Crs and distance, facility to airport, 090—5.0.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles, turn left, (limb to 2500′ on R-040 within 20 miles.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun.; Elev., 1014'; Fac. Class, BVOR; Ident., SPS; Procedure No. 1, Amdt. 3; Eff. Date, 11 July 59; Sup. Amdt. No. 2; Dated, 1 Nov. 58

#### 4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part: TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition			Ceiling	Ceiling and visibility minimums			
From—	То—	Course and distance	Minimum altitude (feet)	Condition		More than	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 11 JULY 1959.

City, Atlantic City; State, N.J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 70'; Fac. Class, TVOR; Ident., NBB; Procedure No. TerVOR-4, Amdt. Orig.; Eff. Date, 3 Jan. 59

PROCEDURE CANCELLED, EFFECTIVE 11 JULY 1959.

City, Atlantic City; State, N.J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 70'; Fac. Class, TVOR; Ident., NBB; Procedure No. Ter-VOR-31, Amdt. Orig.; Eff. Date, 3 Jan. 59

#### RULES AND REGULATIONS

TEBMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition			Ceiling	Ceiling and visibility minimums			
From—	То	Course and distance	Minimum altitude (feet)	Condition	2-engine 65 knots or less	or less  More than 65 knots	More than 2-engine more than 65 knots
*Pleasantville Int	AOY-VOR (Final)	Direct	#500	T-dn C-dn# S-dn-4# A-dn	360-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1/2 500-1/2 400-1 800-2

Procedure turn East side of crs, 229° Outbind, 049° Inbind, 1500′ within 10 mi.

Minimum altitude over facility on final approach crs. 500′£.

Breakoft point to approach end of Runway, 037°—0.45 mi.

I visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 miles, climb to 1500′ on R-027, make a right turn and return to VOR R-229 and 120° ADF bring to NBB LFR.

\*Atlantic City VOR R-229 and 120° ADF bring to NBB LFR.

#Maintain 600′ until after passing Pleasantville Int.\* If aircraft not equipped to identify Pleasantville Int.\* ceiling minimum of 500′ is applicable for landing.

City, Atlantic City; State, N.J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 70'; Fac. Class, VOR; Ident., ACY; Procedure No. Ter-VOR-4, Amdt. Orig.; Eff. Date, 11 July 59

Oceanville Int*	ACY-VOR (Final)	Direct	#500	T-dn	300-1	300-1	200-1/2
,				C-dn# S-dn-31# A-dn	400-1	500-1 400-1 800-2	500-13/2 400-1 800-2

Procedure turn North side of crs, 121° Outbad, 301° Inbad, 1500′ within 10 ml.

Minimum altitude over facility on final approach crs, 500′.

Breakoff point to approach end of Runway, 307°—0.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1500′ on R-314 within 10 miles, make a left turn and return to the VOR at 1500′.

\*Atlantic City VOR R-121 & 220° ADDF bring to NBB LFR.

\*Maintain 900′ until after passing Oceanville Int.\* If aircraft not equipped to identify Oceanville Int\* ceiling minimum of 800′ is applicable for landing.

City, Atlantic City; State, N.J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 70'; Fac. Class, VOR; Ident., ACY; Procedure No. Ter-VOR-31, Amdt. Orig.; Eff. Date, 11 July 59

#### 5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

#### ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition			Ceiling and visibility minimums				
From—		Course and	Minimum		2-engin	e or less	More than 2-engine,
	э То—	distance	altitude (feet)	Condition	65 knots or less	More than 65 knots	more than
NBB LFR	LOM	Direct Direct	1500 1500 1500	T-dn	400-1	300-1 500-1 300-3 600-2	200-1/2 500-11/2 300-3/4 600-2

Procedure turn South side of crs, 308° Outbnd, 128° Inbnd, 1500' within 10 mi.
Minimum altitude at Glide Slope interception inbnd, 1300'.
Altitude of Glide Slope and distance to approach end of Runway at OM, 1300'—4.3 mi; at MM, 270'—0.5 ml.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a right climbing turn and proceed direct to the LOM at 1500'.

City, Atlantic City; State, N.J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 70'; Fac. Class ILS; Ident., ACY; Procedure No. ILS-B, Amdt. Orig; Eff. Date, 11 July 59

Knoxville LFR. Tallassee FM. SW crs TYS LFR and 290 brng from LOM. Tallassee Int. Knoxville BVOR. Racar Int. Loudon Int.	LOM LOM LOM	Direct	3700 2300 3700 2400	T-dn C-d C-n S-dn-4L* A-dn	500-1 500-1½ 200-½	300-1 500-1 500-11-2 200-1-2 600-2	200-1/2 500-11/2 500-11/2 200-1/2 600-2

Procedure turn W side 8W crs, 225° Outbnd, 045° Inbnd, 2700' within 10 miles.

Minimum altitude at Glide Slope interception inbnd, 2700'.

Altitude of G.S. and distance to approach end of rny at OM 2650—5.4, at MM 1160—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 3000' on N crs TYS-LFR within 20 mi or, when directed by ATC, (10 turn left, climb to 3000' on TYS VOR R-347 within 20 mi or (2) Climb to 4000' on TYS VOR R-059 within 20 mi.

\* 400—34 required when glide slope not utilized:

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989'; Fac. Class and Ident., ILS-ITYS; Procedure No. ILS-4L, Amdt. 17; Eff. Date, 11 July 59; Sup. Amdt. No. 16 (ILS portion of Comb. ILS-ADF); Dated, 1 Dec. 56

#### ILS STANDARD INSTRUMENT APPROACH PROCEDURE-Continued

Transition			Ceiling	and visibility minimums			
· · · · · · · · · · · · · · · · · · ·			Minimum		2-engin	or less	More than
From-	То—	Course and distance	altitude (feet)	Condition	65 knots or less	More than 65 knots	2-engine more than 65 knots
Providence LFR Providence VOR Lafayette Int. Wyoming FM Moosup Int Wyoming Int via crs 066°	LOM	Direct	1600 1600 **1600 **1600 1600 **1600	T-dn C-dn S-dn-5R A-dn	300-1 *400-1 *200-1/2 600-2	300-1 500-1 *200-1 600-2	200-14 500-114 *200-14 600-2

Procedure turn W side SW crs, 226° Outbnd, 046° Inbnd, 1600′ within 10 ml. NA beyond 10 miles.

Minimum altitude at G.S. int inbnd, 1600′.

Altitude of G.S. and distance to appr end of rny at OM 1610—5.4; at MM 240—0.5

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1000′ on NE crs ILS, then make a climbing right turn and return to Providence LFR at 1700′ or, when directed by ATC, climb to 2700′ on SW crs Squantum LFR.

Note: Procedure turn is conducted W to provide separation from traffic at Quonset Point NAS.

\*\*Ool-1 required with glide slope inoperative.

\*\*After interception of localizer course inbound, final approach on glide slope is authorized.

City, Providence; State, R.I.; Airport Name, Green Airport; Elev., 56'; Fac. Class and Ident., ILS-PVD; Procedure No. ILS-5R, Amdt. 3; Eff. Date, 11 July 59, Sup. Amdt. No. 2 (ILS portion of Comb. ILS-ADF); Dated, 4 Aug. 56

These procedures shall become effective on the dates indicated on the procedures. (Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 17, 1959.

JAMES T. PYLE, Acting Administrator.

[F.R. Doc. 59-5159; Filed, June 23, 1959; 8:50 a.m.]

[Regulatory Docket No. 28; Amdt. 49]

#### PART 610-MINIMUM EN ROUTE **IFR ALTITUDES**

#### Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

Section 610.207 Red civil airway 7 is amended to read:

From Reedy INT, S.C.; to Greenville, S.C., LFR; MEA 2,300.

From Greenville, S.C., LFR; to Beacon 14 INT, S.C.; MEA 3,000.

From Blacksburg INT, S.C.; to Charlotte, N.C., LFR; MEA 2,800.

From Charlotte, N.C., LFR; to Moores-

ville INT, N.C.; MEA 2,500.
From Wallburg INT, N.C.; to Winston Salem, N.C., LFR; MEA 2,400.
From Winston Salem, N.C., LFR; to Int.

148 M brg. Winston Salem LFR and 100 M brg. Greensboro LFR; MEA 2,400.

From Int. 148 M brg. Winston Salem LFR and 100 M brg. Greensboro LFR; to Greensboro, N.C., LFR; MEA 2,400.

Section 610.287 Red civil airway 87 is amended to read in part:

From Driftwood INT, T.H.; to Pineapple INT, T.H.; MEA 1,000.

From Pineapple INT, T.H. (Pineapple INT formerly Coconut INT); to Honolulu, T.H., LFR; MEA 3,000.

Section 610.603 Blue civil airway 3 is amended to read in part:

From Miami, Fla., LF/RBN; to Ft. Myers, Fla., LF/RBN; MEA 1,400.

Section 610.1001 Direct routes—U.S. is amended by adding:

From College Station, Tex., VOR to Leona, Tex., VOR; MEA 1,800.

Section 610.1001 Direct routes-U.S. is amended to delete:

From Alexandria, La., LFR; to Monroe, La., LFR; MEA 1,700.

From Alexandria, La., VOR; to Monroe, La., VOR: MEA 1.700.

From Baton Rouge, La., VOR; to Jackson, Miss., VOR; MEA \*3,000. \*2,000—MOCA.

From Baton Rouge, La., LFR; to Jackson, Miss., LFR; MEA 2,000.

From Beaumont, Tex., VOR: to Lufkin, Tex., VOR; MEA 1,600.

From Birmingham, Ala., LFR; to Jackson, Miss., LFR; MEA 2,500.

From Birmingham, Ala., VOR; to Jackson, Miss., VOR; MEA 6,400.

From El Dorado, Ark., VOR; to Quitman, Tex., VOR; MEA 3,400.

From Fort Smith, Ark., VOR; to McAlester, Okla., VOR; MEA 2,700. From Houston, Tex., LFR; to Tyler, Tex.,

LFR; MEA 2,000.

From Lake Charles, La., LFR; to Lufkin, Tex., LF/RBN; MEA 1,600. From Lake Charles, La., VOR; to Lufkin,

Tex., VOR; MEA 2,000.

From Little Rock, Ark., VOR; to Walnut Ridge, Ark., VOR; MEA 2,100.
From Lufkin, Tex., LF/RBN; to Tyler, Tex.,

LFR; MEA 2,000. From Lufkin, Tex., VOR; to Quitman, Tex.,

VOR; MEA 2,500.

From Prescott INT, Ark., to Shreveport, La., LFR; MEA 1,600. From Texarkana, Ark., LFR; to Tulsa, Okla., LFR; MEA 3,400.

From Tyler, Tex., LF/RBN; to Waco, Tex., LFR; MEA 1,900.

Section 610.6001 VOR civil airway 1 is amended to read in part:

From Charleston, S.C., VOR; to \*Jamestown INT, S.C.; MEA 1,300. \*4,800—MRA.

From Jamestown INT, S.C.; to \*Davis INT,

S.C.; MEA 1,300. \*3,500—MRA. From Davis INT, S.C.; to Planter INT, S.C.; MEA 1,300. \*2,000-MRA.

Section 610.6002 VOR civil airway 2 is amended to read in part:

From Livingston, Mont., VOR; to Billings, Mont., VOR; MEA 9,000.

Section 610.6004 VOR civil airway 4 is amended to read in part:

From Charleston, W. Va., VOR via S alter.; to Swiss INT, W. Va., via S alter.; MEA 3,000. From Swiss INT, W. Va., via S alter.; to Elkins, W. Va., VOR via S alter.; MEA 5,000.

Section 610.6006 VOR civil airway 6 is amended to read in part:

From Blue Canyon INT, Calif., via N alter.; to Signal INT, Calif., via N alter.; MEA 12,000.

From Signal INT, Calif., via N alter.; to \*Reno, Nev., VOR via N alter.; MEA 11,000. \*11,000—MCA Reno VOR, westbound.

From Sidney, Nebr., VOR; to Roscoe INT, Nebr.; MEA 6,100.

From Roscoe INT, Nebr., to North Platte, ebr., VOR: MEA \*5,600. \*5,400—MOCA. Nebr., VOR; MEA \*5,600.

Section 610.6009 VOR civil airway 9 is amended to read in part:

From Springfield, III., VOR; to \*Lincoln INT, III.; MEA 2,000. \*2,300—MRA. From Lincoln INT, III.; to \*Atlanta INT, III., MEA 2,000. \*2,300—MRA. From Atlanta INT, III.; to Pontiac, III., VOR; MEA \*2,500. \*2,300—MOCA.

Section 610.6014 VOR civil airway 14 is amended to read in part:

From Roswell, N. Mex., VOR; via S alter.; to \*Caprock INT, N. Mex., via S alter.; MEA \*\*7,500. \*7,500—MRA. \*\*7,100—MOCA.

Section 610.6016 VOR civil airway 16 is amended to read in part:

From \*Haynes INT, Ark., via N alter.; to \*\*Round Fond INT, Ark., via N alter.; MEA
\*\*\*5,000. \*4,000 -- MRA. \*\*3,500 -- MRA. \*\*\*1,700-MOCA.

Section 610.6017 VOR civil airway 17 is amended to read in part:

From Cotulia, Tex., VOR; to \*Millet INT, Tex.; MEA 2,200. \*3,500-MRA.

From Millet INT, Tex.; to San Antonio, Tex., VOR; MEA 2,200.

Section 610.6018 VOR civil airway 18 is amended to read in part:

From Allendale, S.C., VOR via S alter.; to \*Wald INT, S.C., via S alter.; MEA \*\*1,700. \*3,500—MCA.
From Wald INT, S.C., via S alter.; to Charleston, S.C., VOR via S alter.; MEA \*1,700. \*1,500—MOCA.

Section 610,6020 VOR civil airway 20 is amended to read in part:

From Corpus Christi, Tex., VOR; to \*Bonnie View INT, Tex.; MEA 1,300. °1,800— MRA.

From Bonnie View INT, Tex.; to Palacios, Tex., VOR; MEA 1,300.

Section 610.6023 VOR civil airway 23 is amended to read in part:

From Fort Jones, Calif., VOR; to \*Talent INT, Oreg.; MEA 10,000. \*11,000—MRA. From Talent INT, Oreg.; to \*Medford,

Oreg., VOR northbound, MEA 8,000; southbound, MEA 10,000. \*8,000-MCA Medford VOR, southbound.

Section 610.6025 VOR civil airway 25 is amended to read in part:

From \*Geyserville INT, Calif.; to \*\*Lakeport INT, Calif.; MEA \*\*\*12,000. \*12,000—MCA Geyserville INT, northbound. \*\*9,000— \*\*11,000-MCA Lakeport INT, south-

bound. \*\*\*7,000—MOCA.
From Lakeport INT, Calif., to \*Red Bluff, Calif., VOR; MEA 9,000. \*5,000—MCA Red Bluff VOR, southbound.

From Red Bluff, Calif., VOR; to Klamath Falls, Oreg., VOR; MEA \*13,500. \*10,000— MOCA.

Section 610.6035 VOR civil airway 35 is amended to read in part:

From \*Copeland INT, Fla.; to Fort Myers, la., VOR; MEA \*\*2,500. \*2,500—MRA. \*\*1,400-MOCA.

Section 610.6037 VOR civil airway 37 is amended to read in part:

From Savannah, Ga., VOR; to \*Tillman INT, S.C.; MEA 1,300. \*3,400—MRA. From Tillman INT, S.C.; to Allendale, S.C.,

VOR: MEA 1.300.

From \*Marlow INT, Ga., via W alter.; to \*\*Kildare INT, Ga., via W alter.; MEA \*\*\*2,000. \*2,000—MRA. \*\*2,000—MRA. \*\*\*1,500-MOCA.

From Kildare INT, Ga., via W alter.; to Allendale, S.C., VOR, via W alter.; MEA \*2,000. \*1,500—MOCA.

Section 610.6042 VOR civil airway 42 is amended to read in part:

From Imperial, Pa., VOR; to Tarentum INT, Pa.; MEA 3,000.

From Tarentum INT, Pa.; to New Alexandria INT, Pa.; MEA 4,000.
From New Alexandria INT, Pa.; to Johns-

town, Pa., VOR; MEA 4,500.

Section 610.6045 VOR civil airway 45 is amended to read in part:

From Greensboro, N.C., VOR; to Cove INT, N.C.; MEA \*3,000. \*2,300—MOCA. From Cove INT, N.C.; to Pulaski, Va., VOR;

MEA 5,600.

Section 610.6050 VOR civil airway 50 is amended to read in part:

From Springfield, Ill., VOR; to Harristown

INT, III.; MEA 2,600.
From Harristown INT, III.; to Decatur, III., VOR: MEA 2,300.

Section 610.6051 VOR civil airway 51 is amended to read in part:

From Vienna, Ga., VOR via W alter.; to Roberta INT, Ga., via W alter.; MEA 1,700.

Section 610.6052 VOR civil airway 52 is amended to read in part:

From Boulder INT, Ill.; to \*Cartter INT, III.; MEA \*\*4,500. \*4,500—MRA. \*\*2,000-MOCA.

From Cartter INT, III.; to Evansville, Ind., VOR; MEA \*4,500. \*2,100—MOCA.

Section 610.6053 VOR civil airway 53 is amended to read in part:

From Charleston, S.C., VOR; to \*Givhans INT, S.C.; MEA \*\*1,300. \*1,700—MRA. \*\*1,200—MOCA.

From Givhans INT, S.C.; to St. George INT, S.C.; MEA \*1,300. \*1,200—MOCA.

Section 610.6058 VOR civil airway 58 is amended to read in part: .

From Imperial, Pa., VOR; to Creekside INT, Pa.; MEA 3,000.

Section 610.6060 VOR civil airway 60 is amended to read in part:

From Texico, N. Mex., VOR; to \*Hale INT, Tex.; MEA \*\*6,300. \*6,300-MRA. \*\*5,000-MOCA.

Section 610.6062 VOR civil airway 62 is amended to read in part:

From Texico, N. Mex., VOR; to \*Hale INT, Tex.; MEA \*\*6,300. \*6,300—MRA. \*\*5,000— MOCA.

Section 610.6066 VOR civil airway 66 is amended to read in part:

From \*Tucson, Ariz., VOR; to Mescal INT, Ariz.; southeastbound, MEA 9,000; northwestbound, MEA 7,000. \*7,500—MCA Tucson VOR, southeastbound.

Section 610.6069 VOR civil airway 69 is amended to read in part:

From Springfield, Ill., VOR; to \*Lincoln INT, Ill.; MEA 2,000. \*2,300—MRA.
From Lincoln INT, Ill., to \*Atlanta INT, Ill.; MEA 2,000. \*2,300—MRA.

From Atlanta INT, Ill.; to Pontiac, Ill., VOR; MEA \*2,500. \*2,300—MOCA.

Section 610.6070 VOR civil airway 70 is amended to read in part:

From Corpus Christi, Tex., VOR; to \*Bonnie View INT, Tex.; MEA 1,300. \*1,800— MRA.

From Bonnie View INT, Tex.; to Palacios, Tex., VOR; MEA 1,300.

From Evergreen, Ala., VOR; to Rutledge INT, Ala.; MEA \*1,800. \*1,500—MOCA. From Rutledge INT, Ala.; to \*Banks INT, Ala.; MEA \*\*2,700. \*2,000—MRA. \*\*1,800— MOCA.

From Banks INT, Ala.; to Eufaula, Ala., VOR; MEA \*2,000. \*1,600—MOCA. From Vienna, Ga., VOR; to \*Dublin INT, Ga.; MEA \*\*3,000. \*3,000—MRA. \*\*1,600— MOCA.

From Dublin INT, Ga.; to Allendale, S.C., VOR; MEA \*3,000. \*1,600—MOCA.

Section 610.6074 VOR civil airway 74 is amended to read in part:

From Ponca City, Okla., VOR; to \*Sperry INT, Okla.; MEA 2,400. \*3,500—MRA. From Ft. Smith, Ark., VOR; to \*Paris INT,

Ark.; MEA 3,000. \*6,000-MRA.

Section 610.6076 VOR civil airway 76 is amended to read in part:

From Lubbock, Tex., VOR; to \*Welch INT, Tex.; MEA 5,100 . \*7,200—MRA.

From Welch INT, Tex.; to Pat INT, Tex.; MEA 5,100.

From Pat INT, Tex.; to Big Spring, Tex., VOR; MEA 4,000.

Section 610.6079 VOR civil airway 79 is amended to read in part:

From Hobbs, N. Mex., VOR; to \*Welch INT, Tex.; MEA \*\*7,200. \*7,200-MRA. \*\*5,300-

Section 610.6081 VOR civil airway 81 is amended to read in part:

From Pat INT, Tex.; to \*Welch INT, Tex.; MEA 5,100. \*7,200—MRA.
From Lubbock, Tex., VOR; to \*Hale INT, Tex.; MEA \*\*5,500. \*6,300—MRA. \*\*4,500—

Section 610.6097 VOR civil airway 97 is amended to read in part:

From Cincinnati, Ohio, VOR via W alter.; to Osgood INT, Ind., via W alter.; MEA 2,300. From Osgood INT, Ind., via W alter.; to Hope INT, Ind., via W alter.; MEA 2,700.

Section 610.6098 VOR civil airway 98 is amended to read in part:

From Palaski INT, Ohio; to Deerfield INT, Mich.; MEA \*2,600. \*2,300—MOCA. From Deerfield INT, Mich.; to Carleton,

Mich., VOR; MEA 2000.

Section 610.6102 VOR civil airway 102 is amended to read in part:

From Roswell, N. Mex., VOR; to \*Caprock INT, N. Mex.; MEA \*\*7,500. \*7,500—MRA.

\*\*7,100—MOCA.
From Caprock INT, N. Mex.; to Dora INT,
N. Mex.; MEA \*6,600. \*5,500—MOCA.

Section 610.6105 VOR civil airway 105 is amended to read in part:

From Casa Grande, Ariz., VOR; to \*Bapchule INT, Ariz., MEA 4,000. \*6,000—MRA. From Bapchule INT, Ariz.; to Phoenix, Ariz., VOR; MEA 4,000.

Section 610.6114 VOR civil airway 114 is amended to read in part:

From \*Converse INT, La.; to \*\*Montrose INT, La.; MEA \*\*\*4,500. \*3,000—MRA. \*\*6,000—MRA. \*\*\*1,700—MOCA. From Montrose INT, La.; to \*Boyce INT, La.; MEA \*\*4,500. \*6,000—MRA. \*\*1,700—

MOCA.

From Boyce INT, La.; to Alexandria, La., VOR; MEA \*4,500. \*1,700—MOCA.
From \*Converse INT, La., via N alter.; to \*\*Montrose INT, La., via N alter.; MEA \*\*4,500. \*3,000—MRA. \*\*6,000—MRA. \*\*\*4,500. \*3,00 \*\*\*1,700—MOCA.

From Montrose INT, La., via N alter.; to \*Boyce INT, La., via N alter.; MEA \*\*4,500. \*6,000—MRA. \*\*1,700—MOCA.

From Boyce INT, La., via N alter.; to Alexandria, La., VOR via N alter.; MEA \*4,500. \*1,700—MOCA.

From \*Vincent INT, La.; to New Orleans, La., VOR; MEA 2,000. \*2,500—MRA.

Section 610.6122 VOR civil airway 122 is amended to read in part:

From \*Talent INT, Oreg.; to \*\*Klamath Junction, INT, Oreg.; MEA 11,000. \*11,000-MRA. \*\*10,500-MRA.

From Klamath Junction, INT, Oreg.; to Klamath Falls, Oreg., VOR; MEA 10,500.

Section 610.6128 VOR civil airway 128 is amended to read in part:

From Hope, INT, Ind.; to Osgood INT, Ind.; MEA 2,700.

From Osgood INT, Ind.; to Cincinnati, Ohio, VOR; MEA 2,300.

Section 610.6134 VOR civil airway 134 is amended to read in part:

From Evergreen, Ala., VOR; to Rutledge INT, Ala.; MEA \*1,800. \*1,5002-MOCA.

From Rutledge INT, Ala.; to \*Banks INT, Ala.; MEA \*\*2,700. \*2,000—MRA. \*\*1,800—MOCA.

From Banks INT, Ala.; to Columbus, Ga., VOR; MEA 2,000.

Section 610.6134 VOR civil airway 134 is amended to delete:

From Columbus, Ga., VOR; to Raymond INT, Ga.; MEA 2,200.

From Raymond INT, Ga.; to Atlanta, Ga., VOR: MEA 2,000.

From Atlanta, Ga., VOR; to Iva INT, S.C.;

MEA \*2,200. \*1,900—MOCA. From Iva INT, S.C.: to Union INT, S.C.: MEA \*4,000. \*2,000-MOCA.

From Union INT, S.C.; to Charlotte, S.C., VOR; MEA 2,000.

-Section 610.6140 VOR civil airway 140 is amended to read in part:

From London, Ky., VOR; to \*Daley INT, Ky.; MEA 4,000. \*5,000—MRA.

Section 610.6152 VOR civil airway 152 is amended to read in part:

From Orlando, Fla., VOR; to \*Lake Helen INT, Fla.; MEA 1,700. \*2,500—MRA. From Lake Helen INT, Fla.; to Daytona

Beach, Fla., VOR; MEA 1,700.

Section 610.6153 VOR civil airway 153 is amended to read in part:

From \*Sidney INT, N.Y.; to Syracuse, N.Y., VOR; MEA \*\*4,500. \*4,500—MRA. \*\*3,500— MOCA.

Section 610.6154 VOR civil airway 154 is amended to read in part:

From Macon, Ga., VOR; to \*Dublin INT, Ga.; MEA \*\*2,500. \*3,000—MRA. \*\*1,800— MOCA.

From Dublin INT, Ga.; to \*Lotts INT Ga.; MEA \*\*4,000. \*2,000—MRA. \*\*1,600— MOCA.

From Lotts INT, Ga.; to \*Marlow INT, Ga.; MEA \*\*1,700. \*2,000—MRA. \*\*1,300— MOCA.

From \*Lotts INT, Ga., via N alter.; to \*\*Statesboro INT, Ga., via N alter.; MEA \*\*\*2.000. \*2,000—MRA. \*\*2,000—MRA. \*\*\*1,600-MOCA.

Section 610.6157 VOR civil airway 157 is amended to read in part:

From: \*Baxley INT, Ga.; to \*\*Lotts INT, Ga.; MEA \*\*\*2,500: \*6,000—MRA. \*\*2,000—MRA. \*\*\*1,500—MOCA.

From Lotts INT, Ga.; to \*Statesboro INT, Ga.; MEA \*\*2,000. \*2,000—MRA. \*\*1,600— MOCA.

From Statesboro INT, Ga.; to Dover INT, Ga.; MEA \*2,000. \*1,600-MOCA.

Section 610.6165 VOR civil airway 165 is amended to read in part:

From San Diego (Lindbergh), Calif., TVOR; to \*Redfin INT, Calif.; MEA 1,500. \*2,500-MRA.

From Redfin INT, Calif.; to \*Oceanside, Calif., VOR; MEA 1,500. \*2,500—MCA Oceanside VOR, northwestbound.

Section 610.6173 VOR civil airway 173 is amended to read in part:

From Springfield, Ill., VOR; to Kenney INT, III.; MEA 2,000.

From Kenney INT, Ill.; to Roberts, Ill., VOR; MEA \*2,800. \*2,000-MOCA.

Section 610.6179 VOR civil airway 179 is amended to read in part:

From Centralia, Ill., VOR; to \*Cartter INT, III.; MEA 2,000. \*4,500-MRA.

From Cartter INT, III.; to Bible Grove, III., VOR; MEA 2,000.

Section 610.6182 VOR civil airway 182 is amended by adding:

From \*Portland, Oreg., VOR, via N alter.; to Amboy INT, Oreg., via N alter.; eastbound, MEA 8,000; westbound, MEA 4,000. \*4,700— MCA Portland VOR, eastbound.

From Amboy INT, Oreg., via N alter.; to The Dalles, Oreg., VOR via N alter.; MEA \*8,000. \*7,000-MOCA.

Section 610.6185 VOR civil airway 185 is amended to read in part:

From Savannah, Ga., VOR; to \*Kildare

INT, Ga.; MEA 1,500. \*2,000—MRA. From Kildare INT, Ga.; to Sardis INT, Ga.; MEA \*2.000.

EA \*2,000. \*1,500—MOCA. From Sardis INT, Ga.; to Augusta, Ga., VOR; MEA 1,800.

From \*Statesboro INT, Ga., via W alter.; to Dover INT, Ga., via W alter.; MEA \*\*2,000.
\*2,000—MRA. \*\*1,600—MOCA.

From Augusta, Ga., VOR; to \*Laurens INT, S.C.; MEA 2,000. \*3,000—MRA.

Section 610.6187 VOR civil airway 187 is amended to read in part:

From Albuquerque, N. Mex., VOR; to Cabezon INT, N. Mex.; MEA 10,000. From Cabezon INT, N. Mex.; to Farmington, N. Mex., VOR; MEA 10,500.

Section 610.6200 VOR civil airway 200 is amended to read in part:

From Ukiah, Calif., VOR; to \*Lakeport INT, Calif.; MEA 7,000. \*9,000—MRA. \*11,000— MCA Lakeport INT, southbound.

Section 610.6208 VOR civil airway 208 is amended to read in part:

From Avalon INT, Calif.; to \*Pacific INT, Calif.; MEA 3,000. \*4,000—MRA. From Pacific INT, Calif.; to Oceanside,

Calif., VOR; MEA 3,000.

From Roswell, N. Mex., VOR; to \*Caprock INT, N. Mex.; MEA \*\*7,500. \*7,500--MRA. \*\*7,100-MOCA.

From Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA \*6,600. \*5,500—MOCA.

Section 610.6210 VOR civil airway 210 is amended to read in part:

From \*Cowan INT, Ohio; to Sidney, Ohio, VOR; MEA 3,500. \*3,000—MRA.

Section 610.6222 VOR civil airway 222 is amended to read in part:

From Daisetta INT, Tex., via N alter.; to \*Silsbee INT, Tex., via N alter.; MEA \*\*7,500. \*2,200—MRA. \*\*1,800—MOCA.

From Silsbee INT, Tex., via N alter.; Orange INT, Tex., via N alter.; MEA \*2,200. \*1.800---MOCA.

Section 610.6241 VOR civil airway 241 is amended to read in part:

From Dothan, Ala., TVOR; to \*Abbeville INT, Ala.; MEA 1,600. \*1,700-MRA.

Section 610.6241 VOR civil airway 241 is amended by adding:

From Columbus, Ga., VOR; to Raymond INT, Ga.; MEA 2,200.

From Raymond INT, Ga.; to Atlanta, Ga., VOR: MEA 2,100.

Section 610.6258 VOR civil airway 258 is amended to read in part:

From Charleston, W. Va., VOR; to Sharon INT, W. Va.; MEA 4,000.

From Sharon INT, W. Va.; to Beckley, W. Va. VOR; MEA 5,500.

Section 610.6260 VOR civil airway 260 is amended to read in part:

From Charleston, W. Va., VOR; to Montgomery INT, W. Va.; MEA 4,000.

From Montgomery INT, W. Va.; to Rainelle, W. Va., VOR; MEA 5,500.

Section 610,6267 VOR civil airway 267 is amended to read in part:

From Orlando, Fla., VOR via E alter.; to \*Lake Helen INT, Fla., via E alter.; MEA 1,700. \*2,500—MRA.

From Lake Helen INT, Fla., via E alter.; to Daytona Beach, Fla., VOR via E alter.; MEA

Section 610.6272 VOR civil airway 272 is amended to read in part:

From Sayre, Okla., VOR; to Union INT, Okla.; MEA 3,200.

From Union INT, Okla.; to Oklahoma City, Okla., VOR; MEA 2,500.

Section 610.6273 VOR civil airway 273 is amended to read in part:

From \*Sidney INT, N.Y.; to Syracuse, N.Y., VOR; MEA \*\*4,500. \*4,500-MRA. \*\*3,500-MOCA.

Section 610.6284 VOR civil airway 284 is amended to read in part:

From Fort Stockton, Tex., VOR via N alter.; to San Angelo, Tex., VOR via N alter.; MEA \*6,800. \*4,100—MOCA.

Section 610.6289 VOR civil airway 289 is amended to read in part:

From Beaumont, Tex., VOR via E alter.: to \*Silsbee INT, Tex., via E alter.; MEA 1,700.

Section 610.6290 VOR civil airway 290 is amended to read in part:

From Charleston, W. Va., VOR; to Montgomery INT, W. Va.; MEA 4,000.

From Montgomery INT, W. Va.; to Rainelle, W. Va., VOR; MEA 5,500.

Section 610.6298 VOR civil airway 298 is amended to read in part:

From \*Lamont INT, Idaho; to \*\*Boysen Reservoir, Wyo., VOR; MEA 15,000. \*13,000-MCA Lamont INT, eastbound. \*\*11,000-MCA Boysen Reservoir VOR, westbound.

Section 610.6402 Hawaii VOR civil airway 2 is amended to read in part:

From Seaweed INT, T.H.; to \*Pineapple INT, T.H.; MEA 4,000. \*4,000-MCA Pineapple INT, northwestbound.

From Pineapple INT, T.H.; to Honolulu, T.H., VOR; MEA 3,500. (Pineapple INT formerly Coconut INT.)

Section 610.6412 Hawaii VOR civil airway 12 is amended to read in part:

From Orchid INT, T.H.; to Pineapple INT, T.H.; MEA 4,000.

From Pineapple INT, T.H.; to Honolulu, T.H., VOR; MEA 3,500.

Section 610.6426 VOR civil airway 426 is amended to read in part:

From Gillespie INT, Ill.; to Palmer INT, Ill.; MEA \*4,000. \*2,000—MOCA.

Section 610.6437 VOR civil airway 437 is amended to read:

From Charleston, S.C., VOR; to Florence, S.C., VOR; MEA \*1,600. \*1,500—MOCA.
From Charleston, S.C., VOR via W alter.;

to \*Lane INT, S.C., via W alter.; MEA 1,300. \*3,700-MRA.

From Lane INT, S.C., via W alter.; to Florence, S.C., VOR via W alter.; MEA 1,300.

Section 610.6446 VOR civil airway 446 is amended to read in part:

From Boulder INT, Ill.; to \*Cartter INT, III.; MEA \*\*4,500. \*4,500-MRA. \*\*2,000-MOCA.

From Cartter INT, Ill.; to Samsville, Ill., VOR; MEA 1,800.

Section 610.6454 VOR civil airway 454 is amended to read in part:

From Evergreen, Ala., VOR; to Rutledge INT, Ala.; MEA \*1,800. \*1,500—MOCA.

Section 610.6612 VOR civil airway 1512 is amended to read in part:

From Springfield, III., VOR; to Harristown INT, III.; MEA 2,600.

From Harristown INT, III.; to Decatur, III., VOR; MEA 2,300.

Section 610.6614 VOR civil airway 1514 is amended to read in part:

INT., III.: MEA 2,600.

From Harristown INT, Ill.; to Decatur, Ill., VOR; MEA 2,300.

Section 610.6616 VOR civil airway 1516 is amended to read in part:

From \*Capron INT, Okla.; to Ponca City, Okla., VOR; MEA \*\*4,500. \*4,500—MRA. \*\*2,500--MOCA.

Section 610.6618 VOR civil airway 1518 is amended to read in part:

From Highway INT, Tenn.; to London, Ky., VOR; MEA \*5,000. \*3,400—MOCA. From London, Ky., VOR; to \*Daley INT, Ky.; MEA \*6,000. \*5,000—MRA.

Ky.; MEA \*6,000. \*5,000—MRA. From Gordonsville, Va., VOR; to \*Locust Grove INT, Va.; MEA 1,500. \*2,000—MRA.

Section 610.6620 VOR civil airway 1520 is amended to read in part:

From Gordonsville, Va., VOR; to \*Locust

Grove INT, Va.; MEA 1,500. \*2,000—MRA. Section 610.6622 VOR civil airway 1522

is amended to read in part: From Gordonsville, Va., VOR; to \*Locust Grove INT, Va.; MEA 1,500. \*2,000—MRA.

Section 610.6633 VOR civil airway 1533 is amended to read in part:

From Red Bluff, Calif., VOR; to Klamath Falls, Oreg., VOR; MEA \*13,500. \*10,000— MOCA.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective July 30, 1959.

Issued in Washington, D.C. on June 17, 1959.

JAMES T. PYLE, Acting Administrator.

[F.R. Doc. 59-5161; Filed, June 23, 1959; 8:45 a.m.]

### Title 16—COMMERCIAL **PRACTICES**

Chapter I—Federal Trade Commission [Docket 7318 c.o.]

PART 13-DIGEST OF CEASE AND DESIST ORDERS

Skil-Weave Co. et al.

Subpart-Advertising falsely or misleadingly: § 13.60 Earnings and profits; § 13.143 Opportunities; § 13.205 Scientific or other relevant facts; § 13.270 Trademark registration or use.1

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lester B. Patterson and Edythe F. Patterson trading as Skil-Weave Co., Chicago, Ill., Docket 7318, May 20, 1959]

In the Matter of Lester B. Patterson, and Edythe F. Patterson, Copartners Trading and Doing Business as Skil-Weave Co., and Grant, Schwenck & Baker, Inc., a Corporation, and Paul Grant, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago sellers of a correspondence course in reweaving From Springfield, Ill., VOR; to Harristown and their advertising representatives with advertising falsely the ease of learning reweaving through their course, and overstating potential earnings and business opportunities for persons completing the course.

After acceptance of an agreement containing a consent order by Lester B. Patterson and Edythe F. Patterson, the hearing examiner made his initial decision and order to cease and desist which became on May 20 the decision of the Grant. Commission. Respondents Schwenck & Baker, Inc., and Paul Grant are not parties to the aforementioned agreement and are subject to further proceedings.

The order to cease and desist is as follows:

It is ordered, That respondents Lester B. Patterson and Edythe F. Patterson, copartners trading and doing business as Skil-Weave Co., or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of courses of instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That invisible French reweaving can be learned easily and quickly through the study of respondents' correspondence course of instruction;

2. That it is easy to learn reweaving, or that one can become an expert reweaver by taking respondents' course of instruction, unless restricted to the patch or overlay method of reweaving;

3. That the potential earnings for persons completing respondents' course of instruction are greater than they are

- 4. That the certificate issued to individuals who have completed respondents' course and the use of the trade mark "Skil-Weave" qualify an individual as a skilled reweaver;
- 5. That persons completing respondents' course can successfully operate a reweaving business and can expect to receive substantial orders from homes, cleaners and department stores.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents Lester B. Patterson and Edythe F. Patterson, copartners, trading and doing business as Skil-Weave Co.,

shall, within sixty (60) days after service upon them to this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: May 20, 1959.

By the Commission.

[SEAL] -ROBERT M. PARRISH, Secretary.

[F.R. Doc. 59-5210; Filed, June 23, 1959; 8:45 a.m.]

### Title 19—CUSTOMS DUTIES

Chapter I-Bureau of Customs [T.D. 548751

#### ARTICLES SUBJECT TO INTERNAL **REVENUE TAXES**

#### Miscellaneous Amendments to Chapter

To supplement amendments of the regulations of the Internal Revenue Service to take effect June 24, 1959, dealing with discontinuance of tax stamps for imported tobacco products and with collection by collectors of customs of taxes on certain importations of tobacco products, the Customs Regulations are amended as follows:

#### PART 9—IMPORTATIONS BY MAIL

#### § 9.8 [Amendment]

- 1. Section 9.8 is amended as follows: a. Paragraph (a) is amended to read:
- (a) In the case of mail entries for playing cards or oleomargarine required to have internal revenue stamps affixed customs officers shall sign and attach to the entries internal revenue Form 923 (order for stamps-imported manufactures), after such completion as is directed thereon, and customs Form 3473. When the parcel is addressed for delivery at the post office where it is examined and customs Form 3473 is not required to insure the taking of the action described thereon, Form 3473 need not be prepared. The postmaster will furnish the addressee with internal revenue Form 923. The addressee will be required to secure the necessary internal revenue stamps and affix them to the immediate packages of the merchandise before the parcel will be delivered to him.

(1) When playing cards imported by mail bear the required internal revenue stamps affixed in a foreign country as provided for in regulations of the Internal Revenue Service (26 CFR 305.19). they may be treated the same as any importation by mail subject only to duty.

(2) The internal revenue tax on tobacco products (cigars, cigarettes, manufactured tobacco) valued not in excess of \$250 imported by mail shall be paid on the basis of a return made on the mail entry. When used for this purpose the mail entry shall state the kind of tobacco product, quantity of each kind, and shall show the tax (by class in the case of cigars and cigarettes) and duty separately for each kind. The tax and duty will be collected by the postal service at

Amended to read as set forth.

the time of delivery of the shipment and a copy of the entry (return) will be given to the importer as a receipt for the duty and tax paid. Mail shipments of to-bacco products, except those for the personal consumption of an importer or for disposition as his bona fide gift, are subject to compliance with the package and mark requirements under regulations of the Internal Revenue Service before release to the importer.

- b. Paragraph (c), subparagraph (2), is amended to read:
- (2) That the Cuban sender-will authorize, in writing, his representative at Miami or Tampa to prepay the customs duty and internal-revenue tax on each mail parcel before it is returned to the postmaster for delivery or dispatch to destination; and
- c. Paragraph (d), third sentence, is amended to read: "One of these copies shall be given to the representative as a receipt for the duty and tax paid."
  - d. Paragraph (e) is amended to read:
- (e) Each prepaid parcel shall be legibly stamped on the addressed, side "U.S. customs duty and internal-revenue tax prepaid at Miami (or Tampa), Fla." followed by the mail entry number and the initials of two customs employees certifying to the appraisal of the merchandise and the collection of the duty and internal-revenue tax.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

## PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

#### § 10.21 [Amendment]

- 2. Section 10.21(1) is amended to read:
- (1) The internal-revenue tax on taxable tobacco products in passengers' baggage shall be paid to customs, using the customs entry form as a return. Any such return shall show the kind, the quantity, and the tax (by class in the case of cigars and cigarettes) on such tobacco products separately from the statement of duty. Unless for the personal consumption of the importer or disposition as his bona fide gift, tobacco products are subject to compliance with the package and mark requirements in the regulations of the Internal Revenue

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, 5 U.S.C. 22, 19 U.S.C. 66, 1624)

#### PART 11—PACKING AND STAMPING; MARKING, TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

- 3. Section 11.1 is amended to read as follows:
- § 11.1 Cigars, cigarettes, medicinal preparations, and perfumery.
- (a) All cigars and cigarettes importedinto the United States, except importations by mail and in baggage, shall be placed in the public stores or in a desig-

nated bonded warehouse to remain until inspected, weighed, and repacked, if necessary, under the customs and internal revenue laws. However, if the invoice and entry presented specify all of the information necessary for prompt determination of the estimated duty and tax on the packages of cigars and cigarettes covered thereby, the collector may permit designation of less than the entire importation for examination.

(b) After the cigars and cigarettes have been examined, weighed, and appraised, before release the inspecting officer shall verify that they are in properly constructed packages, conforming to the requirements of the regulations of the Internal Revenue Service, bearing a legible imprint or a securely affixed label stating the quantity, kind, and classification for tax purposes as required by such regulations. No cigars or cigarettes shall be released for consumption unless packed and marked as prescribed in such regulations.

4. Section 11.2 is amended to read as follows:

#### § 11.2 Manufactured tobacco.

- (a) All manufactured tobacco, as defined in regulations of the Internal Revenue Service, shall be packed and marked as required by such regulations before release for consumption. If the invoice and entry presented for manufactured tobacco specify all of the information necessary for prompt determination of the estimated duty and tax on the manufactured tobacco covered thereby, the collector may permit designation of less than the entire importation for examination.
- (b) In the case of returned American manufactured tobacco, the packages shall be marked or stamped by customs with the inscription "American goods returned."

#### § 11.2a [Amendment]

5. Section 11.2a is amended by deleting the citation of authority and by amending the third sentence to read: "Manufactured tobacco, cigars and cigarettes, may also be released from customs custody without payment of internal-revenue tax for delivery to a qualified manufacturer of such products, under the manufacturer's bond, solely for receipt into premises covered by such bond."

#### §§ 11.3, 11.4, 11.5 [Amendment]

6. Footnote 2, appended to \$\\$11.3, 11.4, and 11.5 is amended to read:

<sup>2</sup> Internal-revenue stamps for imported cigarette tubes, playing cards, and olemargarine will be sold to the owner or consignee of the merchandise by the district director of internal revenue of the district in which is located the office of the collector of customs where the customs entry is filed, upon requisition therefor an internal-revenue Form 923, duly executed by an authorized customs officer.

#### § 11.1 [Amendment]

7. Footnotes 1 and 2 appended to § 11.1 are deleted.

#### § 11.5 [Amendment]

8. The citation of authority for § 11.5 is deleted.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

#### PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

#### § 19.16 [Amendment]

- 9. Section 19.16 is amended as follows: a. Paragraph (b) is amended to read:
- (b) Cigars manufactured in a bonded warehouse for home consumption shall not be removed therefrom until customs stamps have been affixed to each package containing such cigars, and evidence that the applicable tax has been paid by return, as prescribed in regulations of the Internal Revenue Service, is presented to the appropriate customs officer.
  - b. Paragraph (g) is amended to read:
- (g) Before removal from the bonded premises for consumption, each package of cigars must be marked by legibly imprinting or branding thereon or on a label securely affixed thereto the statement (for customs purposes) "Made in No. \_\_\_\_\_, customs bonded manufacturing warehouse, class 6", and (as required in regulations of the Internal Revenue Service) a statement of the quantity and classification or class designation (for large cigars) of the cigars contained therein.

(R.S. 161, as amended, 251, secs. 311, 624, 46 Stat. 691, as amended, 759; 5 U.S.C. 22, 19 U.S.C. 66, 1311, 1624)

These amendments to the Customs Regulations are effective on and after June 24, 1959, with respect to any importations of tobacco products subject to tax and not yet released to the importer. In any case that packages of such products in a shipment not released before that date or arriving on or after that date bear stamps as required prior to June 24, 1959, such stamps shall be recognized for tax purposes in accordance with the regulations in effect prior to June 24, 1959.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 16, 1959.

A. Gilmore Flues, Acting Secretary of the Treasury.

[F.R. Doc. 59-5227; Filed, June 23, 1959; 8:48 a.m.]

No. 123----3

[T.D. 54876]

## REIMBURSEMENT OF CHARGES FOR SERVICES AND EXPENSES OF CUSTOMS EMPLOYEES

## Miscellaneous Amendments to Chapter

The purpose of these amendments is to provide for recovery to the full extent possible by the Government for services rendered for parties in interest and to provide a more equitable minimum charge for expenses incurred in view of the increased costs of billing for such charges.

#### PART 14-APPRAISEMENT

1. Section 14.2(b) is amended by deleting the words "30 cents or less" and by inserting in lieu thereof the following: "less than 50 cents. If the total amount chargeable amounts to 50 cents or more, but less than \$1, a minimum charge of \$1 shall be made."

(R.S. 161, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

## PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

2a. Section 19.5(c) is amended by placing a period after the words "proprietor of the warehouse" and by deleting the remainder of the sentence.

b. Section 19.5 is amended by deleting paragraph (d) and redesignating paragraphs (e) and (f) as (d) and (e), respectively.

(R.S. 251, secs. 555, 624, 46 Stat. 743, 759; 19 U.S.C. 66, 1555, 1624)

## PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

3a. Section 24.12(b) (1) is amended by inserting after the first sentence the following: "Where the amount, so computed, is 50 cents or more, but less than \$1, a minimum charge of \$1 shall be made."

b. Section 24.12(b) (2) is amended by deleting from the second and third sentences the words "50 cents" and inserting in lieu thereof "\$1".

c. Section 24.12(b) (3) is amended by adding after the last sentence the following: "If the amount, so computed, is 50 cents or more, but less than \$1, a minimum charge of \$1 shall be made."

4a. Section 24.17(a) (4) is amended by deleting from the last sentence the words "30 cents or less" and by inserting in lieu thereof the words "less than 50 cents", and by inserting the following as a new last sentence: "Where the amount chargeable is 50 cents or more, but less than \$1, a minimum charge of \$1 shall be made."

b. Section 24.17(c) is amended to read as follows:

(c) The charge for any services enumerated in this section for which expenses are required to be reimbursed shall include actual transportation expenses incurred, whether the services are performed within or without the port

limits, except that no charge shall be made for transportation expenses when a customs warehouse officer is reporting to, as a first assignment, or leaving from, as a last assignment, the place where he is regularly assigned to duty.

(R.S. 161, as amended, 251, sec. 501, 65 Stat. 290, sec. 624, 46 Stat. 759; 5 U.S.C. 22; 140, 19 U.S.C. 66, 1624)

Notice of the proposed issuance of the foregoing amendments was published in the Federal Register of March 28, 1959 (24 F.R. 2441) pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or arguments, relating thereto were received. The amendments as set forth above are hereby adopted effective 30 days after the date of publication in the Federal Register.

[SEAL]

RALPH KELLY, Commissioner of Customs.

Approved: June 15, 1959.

A, Gilmore Flues, Acting Secretary of the Treasury.

[F.R. Doc. 59-5228; Filed, June 23, 1959; 8:49 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 205—DUMPING GROUNDS REGULATIONS

## PART 207—NAVIGATION REGULATIONS

### Miscellaneous Amendments

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (f) of § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets where constant attendance of draw tenders is not required, is hereby amended revising subparagraph (5) to govern the operation of the Maryland State Roads Commission bridge across South River at Edgewater, Maryland, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(f) Waterways discharging into Chesapeake Bay. \* \*

(5) South River, Md.; Maryland State Roads Commission bridge at Edgewater. From December 1 to March 31, inclusive, the draw will not be required to be opened except upon-at least 3 hours'

advance notice for openings between 10:00 a.m. Monday and 7:30 p.m. Friday, inclusive, such notice to be given between 7:00 a.m. and 4:30 p.m. Monday through Friday; and the draw will not be required to be opened from 7:30 p.m. Friday until 10:00 a.m. Monday except upon advance notice given between 7:00 a.m. and 4:30 p.m. Monday through Friday. From April 1 to November 30, inclusive, the regulations contained in \$203.240 shall govern operation of this bridge.

2. Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 Stat. 1147; 33 U.S.C. 419) and section 7 of the River and Harbor Act of August 8, 1917 (40 Sfat. 266; 33 U.S.C. 1), § 205.70 establishing dumping grounds at Hawaii, Midway Islands and Wake Island is hereby amended in its entirety, by changing the title of the section, revoking the present dumping grounds, and establishing new areas wherein the dumping of certain materials will be allowed and the dumping of materials containing metal is prohibited in the Pacific Ocean at Hawaii, Midway Islands, Kwajelein Atoll and Wake Island, as follows: /

## § 205.70 Pacific Ocean, Hawaiian Islands, Midway Islands, Kwajalein Atoll-and-Wake Island.

(a) Dumping grounds—(1) Hilo Harbor, Hawaii. Hilo Harbor and its water approach area inclosed by a line drawn from the headland of Pepeekeo Point to the headland of Keaukaha Point.

(2) Kawaihae Harbor, Hawaii. Kawaihae Harbor and its water approach area inclosed by a line drawn through the following geographical positions: Latitude 20°03′24″ N, longitude 155°50′-49″ W, thence to latitude 20°01′25″ N, longitude 155°51′27″ W, thence to latitude 20°01′25″ N, longitude 155°50′50″ W, and thence terminating at latitude 20°02′03″ N, longitude 155°50′01″ W.

(3) Kahului Harbor, Maui. Kahului Harbor and its water approach area inclosed by a line drawn from the northern tip of Mokeehia Island to latitude 20°-57′00″ N, longitude 156°25′00″ W, and thence to the headland of Kapukaulua Point.

(4) Honolulu and Pearl Harbors, Oahu. Honolulu and Pearl Harbors and their water approach areas inclosed by a line drawn from the headland of Diamond Head to the headland of Barber's Point.

(5) Kaneohe Bay, Oahu. Kaneohe Bay and its-water approach area inclosed by a line drawn from Mokapu Point to the northernmost tip of Mokumanu Island thence to latitude 21°36′00′′ N, longitude 157°50′30′′ W, and thence due south to Kaoio Point.

(6) Nawiliwili Harbor, Kauai. Nawiliwili Bay and its water approach area inclosed by a line drawn from Kaiwai Point (latitude 21°56′26″ N, longitude 159°20′57″ W) to latitude 21°56′00″ N, longitude 159°20′00″ W, thence to latitude 21°57′00″ N, longitude 159°19′00″

W, and thence terminating at Ninini Point (latitude 21°57'28" N, longitude

159°20'18.5" W)

(7) Port Allen Harbor, Kauai. Hanapepe Bay and its water approach area inclosed by a line drawn from Puolo Point (latitude 21°53'43.5" N, longitude 159°36'27" W), to latitude 21°53'00" N, longitude 159°36'27" W, thence to latitude 21°52'30" N, longitude 159°34'40" W, and thence terminating at Weli Point (Latitude 21°53'45.5" N, longitude 159°-34'40" W).

(8) Midway Islands. Midway Harbor and its water approach area inclosed by a line extending from the southwest tip of Sand Island due south to latitude 28°10'18" N, longitude 177°23'38" W, thence to latitude 28°10'18" N, longitude 177°19'24" W, and thence due north to the southeast tip of Eastern Island.

(9) Kwajalein Atoll. Kwajalein Lagoon in its entirety and the following

-water approach areas:

- (i) An area at the entrance to Gea Pass inclosed by a line starting at the southeast extremity of Ninni Island and thence through the following geographical positions: Latitude 8°49'23" N, longitude 167°35'48" E, latitude 8°49'00" N, longitude 167°35'54" E, and terminating at the signal tower on Gea Island (latitude 8°49'03" N, longitude 167°-36'15" E).
- (ii) An area at the entrance to South Pass inclosed by a line starting at latitude 8°47′12′′ N, longitude 167°38′45′′ E, and thence through the following geographical positions: Latitude 8°46′52′′ N, longitude 167°38′27′′ E, latitude 8°46′30′′ N, longitude 167°39′03′′ E, and terminating at latitude 8°47′00′′ N, longitude 167°39′03′′ E.
- (10) Wake Island. Wake Harbor and the water approach area inside the 100 fathom curve, bounded on the east by a north-south line through the signal tower on Wake Island (latitude 19°17′-16.5″ N, longitude 166°37′01.3″ E) and on the west by a north-south line through Beacon "A" on Wilkes Island (latitude 19°17′36″ N, longitude 166°-36′34″ E).

(b) The regulations. (1) No dumping of materials containing metal in any form shall be done in the waters within the areas prescribed in this section.

(2) The areas may be used for dumping of suitable non-floatable materials, not easily transported by the currents, from dredging and other operations, such as submarine excavations, ballast not containing metals and other suitable materials from vessels and waste materials of suitable character from neighboring land excavations.

(3) All dumping, except in the area adjacent to Honolulu Harbor, shall be done during the day time. In the area adjacent to Honolulu Harbor all dumping during the day time and/or night time shall be done in areas prescribed by the District Engineer. All dumping shall be subject to the supervision of the District Engineer, or his representative, who may suspend the privilege at any time if, in his opinion, the interests of navigation so require. No dumping shall be performed without the prior approval of the District Engineer, or his representative; and at least 24 hours'

advance notice shall be given the said District Engineer, or his representative, prior to commencement of any dumping.

(4) Dumping of other than dredged material shall be done only under the supervision of the District Engineer or his representative, and the cost of inspection shall be borne by the party responsible for the dumping.

(5) Inspectors and others, while engaged in this service, will be afforded satisfactory transportation to and from the dumping grounds, and will be provided protection from the weather.

(6) In all above cases the District Engineer will require, if in his judgment it becomes necessary, buoys or a stake boat to be maintained by the United States at the expense of the responsible party.

(7) The regulations of this section shall not be construed as authorizing, without the usual Department of the Army written permit, any dredging in or connecting with the navigable waters.

(8) Dredged material from a single job, in excess of 100,000 cubic yards, shall not be dumped in said areas without the usual Department of the Army written permit.

(9) Dumping of waste materials from neighboring land areas will be limited to 100,000 cubic yards. Dumping in excess of this quantity will be done only under the usual Department of the Army written permit.

(10) Maps of the dumping grounds may be seen at the Office of the District Engineer, Room 212, Headquarters Building, Fort Armstrong, Honolulu 13, Hawaii.

(Regs., June 10, 1959, 285/91 (Pacific Ocean, Hawait)—ENGWO) (Sec. 4, 33 Stat. 1147, Sec. 7, 40 Stat. 266; 33 U.S.C. 1, 419)

- 3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.170b is hereby prescribed to govern the use, administration and navigation of the Apopka-Beauclair Navigation Lock in the Apopka-Beauclair Canal in Lake County, Florida, as follows:
- § 207.170b Apopka-Beauclair Navigation Lock in Apopka-Beauclair Canal in Lake County, Florida; use, administration and navigation.
- (a) The owner of or agency controlling the lock shall not be required to operate the navigation lock except from 7:00 a.m. to 12:00 noon, and from 1:00 p.m., during the period of February 15 through October 15 each year; and from 3:00 a.m. to 12 noon, and from 1:00 p.m. to 6:00 p.m., during the remaining months of each year. During the above hours and periods the lock shall be opened upon demand for the passage of vessels.
- (b) The owner of the lock shall place signs, of such size and descriptions as may be designated by the District Engineer, U.S. Army Engineer District, Jacksonville, Florida, at each side of this lock indicating the nature of the regulations.

(Regs., June 10, 1959, 285/91 (Apopka-Beauclair Canal, Fla.)—ENGWO) (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

4. Pursuant to the provisions of section 7 of the River and Harbor Act of

August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.182 establishing and governing the use and navigation of a seaplane restriced area in Biloxi Bay, Biloxi, Mississippi, is hereby revoked, as follows:

§ 207.182 Biloxi Bay, Biloxi, Miss.; seaplane restricted area.

[Revoked]

(Regs., June 10, 1959, 285/91 (Biloxi Bay, Miss.)—ENGWO) (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. Lee, Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 59-5209; Filed, June 23, 1959; 8:45 a.m.]

### Title 50-WILDLIFE

Chapter I—Fish and Wildlife Service,
Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

#### PART 108-KODIAK AREA

#### Increase in Quota for Razor Clams

Basis and purpose. Anticipated extremely low tides during the next several days in the Kodiak Area will permit the exploitation of virgin clam digging grounds which ordinarily are not accessible. Clams are in good condition and abundant generally in the area and increased utilization during the current season is desirable both from economic and biological standpoints. In the circumstances, the existing quota prescribed for the taking of razor clams along the coast and islands from Cape Kuliak to Cape Douglas may be increased by 8 percent. Accordingly, acting pursuant to authority delegated to the Commissioner of Fish and Wildlife by the Secretary of the Interior in Order 2821 (22 F.R. 5778) and redelegated to the Director, Bureau of Commercial Fisheries, by Commissioner's Order 3 (22 F.R. 8126), § 108.71, Title 50, Code of Federal Regulations, is amended to read as follows:

#### § 108.71 Maximum take of razor clams.

Along the coast and islands from Cape Kuliak to Cape Douglas the take of razor clams shall not exceed the greater of 540,000 pounds, including shells, or 13,500 cases (48 one-half pound cans per case).

Since immediate action is necessary to take advantage of exceptionally low tides anticipated to occur during the next several days, notice and public procedure and a deferred effective date for this amendment are impracticable. Accordingly, the amendment shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237, 5 U.S.C. 1001, et seq.).

(Sec. 1, 43 Stat. 464, as amended (48 U.S.C. 221), and sec. 6(e), 72 Stat. 340)

Dated: June 22, 1959.

A. W. Anderson, Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-5278; Filed, June 23, 1959; 10:41 a.m.]

## PROPOSED RULE MAKING

### ATOMIC ENERGY COMMISSION

I 10 CFR Ch. I I

POWER AND TEST REACTORS

Notice of Extension of Time for Filing Comments

A notice of proposed rule making to 10 CFR, Chapter I was published in the FEDERAL REGISTER for public comment on May 23, 1959 (24 F.R. 4184).

The proposal set forth factors which may be considered in the evaluation of sites for power and testing reactors.

Members of the public were given 30 days to file comments and suggestions concerning the notice of proposed rule making. It appears, however, that the 30-day period is insufficient and that good cause exists why such period should be extended.

Notice is hereby given that with respect to the notice of proposed rule making to Title 10, Chapter I, CFR, the Commission will receive and consider written comments filed on or before August 24, 1959. Comments should be addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 19th day of June 1959.

For the Atomic Energy Commission.

A. R. Luedecke, General Manager.

[F.R. Doc. 59-5299; Filed, June 23, 1959; 12:12 p.m.]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service 17 CFR Part 52 1

CANNED BLUEBERRIES 1

#### United States Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the United States Standards for Grades of Canned Blueberries (7 CFR 52.581-52.593) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627). The amendment as hereinafter set forth adjusts the recommended minimum drained weights of said standards.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same with the Chief, Processed Products Standardization and Inspection Branch,

Fruit and Vegetable Division, Agricultural Marketing Service, United, States Department of Agriculture, Washington 25, D.C., not later than 30 days after publication hereof in the Federal Register.

The proposed amendment is as follows:

1. In § 52.586, Change Table I as follows:

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED BLUEBERRIES

Container designation	Container all dime	Recom- mended minimum	
	Width	Height	drained weights
300 x 407 No. 2 No. 10	Inches 3 37/16 63/16	Inches 47/16 49/16 7	Ounces 7. 5 10. 0 55. 0

'(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: June 19, 1959.

S. T. WARRINGTON,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-5230; Filed, June 23, 1959; 8:49 a.m.]

[7 CFR Parts 904, 934]

[Docket Nos. AO-14-A29, AO-83-A25]

#### MILK IN GREATER BOSTON, MASSA-CHUSETTS, MARKETING AREA

#### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Shawsheen Village, Massachusetts, on May 19, 1959, pursuant to notice thereof issued on April 29, 1959 (24 F.R. 3535).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 5, 1959 (24 F.R. 4745) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The merger of Orders No. 4 and 34 regulating the handling of milk in the Greater Boston and Merrimack Valley marketing areas.

2. The extent to which the present provisions of Order No. 4 (other than those involved in the issues listed below) would be appropriate for the merged marketing area.

3. Provisions for automatic pool plant status for any receiving plant located in the marketing area and operated by an association of producers.

4. Revision of the city plant Class  $\Pi$  price.

5. Revision of the Class I and Class II price differentials applicable to plants located 41 to 60 miles from Boston.

6. Extension of the 46-cent farm location differential area.

7. Conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Marketing area. Order No. 34 regulating the handling of milk in the Merrimack Valley, Massachusetts, marketing area should be consolidated with Order No. 4 regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

With improved methods of transportation, the multiplication in sizes and types of containers, and the growing tendency toward concentration of proc> essing operations in retail and whole-sale distribution, the Merrimack Valley market has lost much of its separate identity, and is gradually being absorbed by the Boston market. Over the years, an increasing proportion of the fluid milk sales in the Merrimack Valley marketing area has been supplied from plants regulated under the Boston order. Boston handlers who in 1955 had only 15 percent of the Class I sales in the Merrimack Valley, in 1958 had 37 percent of such sales. This percentage had increased to 41 percent by March 1959 and, with the anticipated closing of a major handler's Merrimack Valley plant on July 1 of this year, is expected to exceed 50 percent.

Substantial disparity has developed in blended prices in the two markets since the first of the year. The Boston blend exceeded the Merrimack Valley blend by 12 cents in January, 20 cents in February, 17 cents in March, and 11 cents in April, to producers similarly located with respect to the two markets. Much of this disparity is due to the impact of Federal regulation in the Southeastern New England market, which has been reflected in increased sales from, and reduced supplies of milk in the Boston pool. At the same time, the extension of regulation to Southeastern New England has had little or no effect on the level of receipts and sales in the Merrimack Valley area. Under existing conditions there is little prospect of improvement in the Merrimack Valley blend, or of restoring the previously normal equilibrium between the Boston and Merrimack Valley markets through readjustment in supplies between the two markets.

The increase in the proportion of Class I sales made into the Merrimack Valley area by Boston handlers does not necessarily reflect changes in the proportion of the market's Class I sales made by individual handlers. In 1956 one of the

<sup>&</sup>lt;sup>1</sup>Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

larger Merrimack Valley handlers increased his sales into the Boston market which resulted in his becoming a Boston handler effective October 1956. Several other local handlers in recent years have substantially reduced their local producer receipts and are purchasing the bulk of their requirements from the Boston pool. The largest handler in the market, with operations in each of the New England Federal order markets, now processes only his quart glass milk in Merrimack Valley, while half-gallon and gallons in glass and all of the milk in paper is supplied from his Boston plant. As previously stated, effective July 1 this handler anticipates discontinuation of his Merrimack Valley operations with the expectation that milk now received in his local plant then will be received at his Boston plant.

The deterioration of the Merrimack Valley pool and the resulting disparity in blended prices as between the Boston and Merrimack Valley markets is creating a serious competitive situation for Merrimack Valley handlers in the procurement of milk. The situation is most serious for the handler operating the only country plant now in the Merrimack Valley pool, who is in direct competition with Boston handlers in the procurement of milk in the Lyndonville, Vermont, area where his country plant is located.

The terms and provisions of the two orders are identical in most respects. The two areas lie entirely within the Commonwealth of Massachusetts, and are subject to identical inspection re-The merger of the two quirements. markets will bring under regulation no new handlers and will continue essentially the same regulation which has previously prevailed. The proposed merger was requested by the New England Milk Producers' Association, Inc., a cooperative association representing 75 percent of the present producers under the Merrimack Valley order and one of the largest cooperative associations in the Boston market. The merger was generally supported by all of the cooperative associations in the New England area and by regulated handlers in both the Merrimack Valley and Boston markets.

To accomplish the merger effectively and most equitably, the assets in the custody of the market administrator in the administrative fund and the producer-settlement fund under the Merrimack Valley order should be merged with assets in similar funds under the Greater Boston order when the merger is effected. To distribute such funds under the Merrimack Valley order to Merrimack Valley handlers and producers would unduly burden handlers and producers now regulated under the Greater Boston order. To distribute the funds under both orders and again accumulate the necessary reserves would entail unnecessary administrative detail at considerable cost with no advantage to either group of handlers or producers.

2. Application of provisions of the Greater Boston order to the merged order. The terms and provisions of the Greater Boston and Merrimack Valley orders are essentially the same. The

classification, pooling, pricing, and payment provisions, as well as the administrative provisions are either identical, or closely similar. Such differences as exist result from the fact that the Merrimack Valley is essentially a city plant market while Boston depends heavily on country plant sources of supply.

In anticipation of a later hearing in which desired changes in the Boston order, not connected with the proposed merger, might be considered, interested parties confined their testimony at this hearing to those provisions of the Boston order in which appropriate changes appeared necessary to accommodate the proposed merger. Except in the matters hereinafter considered, all parties at the hearing proposed and supported the existing Greater Boston order as an appropriate regulation for the merged area.

3. Pooling status for a city plant operated by an association of producers. The pooling provisions of the Boston order should be amended to provide automatic pool plant status for a receiving plant located in the marketing area and operated by an association of producers. Such provisions, however, should not negate the two basic requirements for pooling status relative to producer and plant approval in accordance with the General Laws of the Commonwealth of Massachusetts, nor should it negate the requirement that a plant must have had pool status in each of the months of July through March in order to qualify for pooling in the months of April through June.

Automatic pooling status should apply to milk which is qualified for disposition as fluid milk in the market. However, automatic pooling status during the flush months should not apply to a plant which did not associate with the pool during the short production months when milk is most needed in the fluid market.

The New England Milk Producers' Association, Inc., operates a surplus disposal plant at Andover, Massachusetts, which has been accorded automatic pool status under the Merrimack Valley order since October 1, 1950, when the market changed from an individual handler to marketwide pooling. This plant occupies a unique position in the local market as a balance-wheel or reservoir for surplus milk. The Association engages in no wholesale or retail distribution in any way. It does, however, absorb the surplus milk in the market, moving what it can into fluid use through other handlers, and manufacturing the balance. As a balancing plant receipts vary widely over the year. In 1958, for example, receipts during the peak week of the flush totaled 14,825 cans, whereas during November weekly receipts dropped to a low of 2,987 cans. In June 1958 the Andover plant received 4.5 million pounds of milk, 33 percent of which represented direct producer receipts, 24 percent milk diverted from other lants and 43 percent transfers from other plants. In November 1958 the plant received a total of 1.25 million pounds of milk, 54 percent of which represented direct producer receipts, 29 percent milk diverted from other plants and 17 percent transfers from other plants.

As previously indicated, the Merrimack Valley market is essentially a city plant market. Since the great bulk of the milk is received from producers at city plants, facilities are needed to handle the week end and seasonal surplus at the city. The association's Andover plant was developed for this purpose and to insure a regular and continuous market for its members' milk. Since the association does not engage in wholesale or retail fluid distribution and receives only that milk surplus to the needs of local handlers it is apparent that unless its plant is provided automatic pooling status the cooperative would be forced to carry the entire burden of the surplus of the local market. The intent of regulation will not be accomplished unless such milk is permitted continuing pool status.

The Boston market is different from the Merrimack Valley market in that only about 4 percent of the receipts at city plants are direct producer receipts. Virtually all of the milk received at city plants is disposed of for fluid uses and milk in excess of fluid needs is held at country plants for manufacture. Hence, there is no need for manufacturing facilities in the city.

With the merger of the two markets it is possible that milk received by local handlers in the Merrimack Valley area in excess of current fluid needs can be remarketed with other Boston handlers. This certainly would be desirable. However, it seems unlikely that the consolidation of the two markets will cause handlers to significantly alter their present buying programs. The larger handlers in the Boston market years ago discontinued receiving milk from producers at their city plants and the smaller handlers who receive milk directly from producers have regular sources of supply for their supplemental needs.

The Andover plant is presently the only city receiving plant in the consolidated marketing area which does not have substantial fluid disposition and hence, it is the only such plant in the market which could not qualify for pooling under the existing Boston pooling provisions. The function of this plant as a balancing and surplus disposal plant for one segment of the market clearly establishes its substantial association with the fluid market and its right to pooling status. The granting of automatic pool status to such plant will promote equity among all producers in the market and preserve orderly marketing.

The Andover plant has no disposition of Class I milk directly to consumers; nevertheless, it is possible that through error or accident some such disposition might inadvertently occur. Without some tolerance such accidental disposition would result in forfeiture of pooling status for the month involved and if this situation occurred in any of the months of July through March the plant would also be disqualified from pooling in the following months of April through June.

Under the present provisions of the Boston order a two percent tolerance is provided for plants in a multiple plant

operation which is intended to protect individual plants from the consequences of full regulation which would otherwise result from accidental disposition of Class I milk in the marketing area. similar tolerance in the case of a plant of an association of producers, for which automatic pooling status is intended, will afford similar protection for such an operation against inadvertent Class I disposition resulting from error on the part of an employee.

4. Revision of the city plant Class II price. The Class II price differential at city plants should be revised to 5.8 cents per hundredweight to reflect cream freight from the basic 21st zone to Boston. The present differential under the Boston order is 38.1 cents, which reflects the freight cost on whole milk from the 21st zone.

The 38.1 cents was established some years ago when a substantially greater proportion of overall Boston receipts was direct receipts from nearby producers and when certain proprietary handlers maintained manufacturing operations in the nearby area. It was intended to equalize the cost of Class II milk used at the city as between handlers operating country plants and handlers receiving milk directly at city plants and to either discourage the use of nearby milk for Class II use or compensate the pool for the added freight-charges of moving upcountry milk to the city for Class I use while nearby milk was utilized in Class

With the rapid urbanization and industrialization of the nearby area few nearby producers remain and the city manufacturing operations have been discontinued in favor of upcountry loca-

The Class II price differential at city plants herein proposed is presently applicable under all of the other New England orders including the Merrimack Valley order. The application of this differential would appear to provide an appropriate level of price for Class II milk utilized at city plants in manufac-tured products which compete on a nátional market, since the basic Class II price is directly related to manufacturing milk values. It is apparent that the milk of local producers in the Merrimack Valley area in excess of Class I needs could not find a market at the present Boston city plant Class II price.

One of the larger Boston handlers appearing at the hearing and who receives all of his milk through country plants argued that a lower Boston Class II city plant price would eliminate the present outlet in ricotta cheese for his company's route returns since handlers receiving all of their milk directly at city plants would be able to sell milk to processors of ricotta cheese below the cost to his company. At the same time he recognized the necessity for continuation of the Class II price level presently applicable in the Merrimack Valley area. As an alternative he suggested that Merrimack Valley handlers be exempted from the higher Boston Class II price either by a "grandfather" clause or by application of the lower Class II pricing to city plants located more than a specified distance from Boston. As a third alternative he suggested that the higher price be made applicable to a limited amount of specified Class II usage (route returns, plant shrinkage and milk for thinning cream) at city plants and any remaining Class II milk at city plants be priced on the basis of its value for manufacturing uses.

The record is clear that the higher city plant Class II differential in Boston does not affect the larger, multiple plant handlers' Class II costs, nor does it affect such costs to handlers who operate only country plants. Its incidence is limited to small handlers who operate only city plants, and whose collective Class II use at city plants is a small fraction of one

percent of total pooled milk.

Neither the "grandfather" clause nor the distance delineation, as suggested, could appropriately be followed. Both would provide different pricing of Class II milk as between regulated city plants. In addition, the distance delineation would reduce the Class II price for some present Boston handlers. This would affect one of the largest proprietary handlers receiving milk only at city plants, which handler, in 1958, was apparently one of the most substantial users of city plant Class II milk. While specific figures are not available to determine the total volume of Class II milk allocated to direct receipt at city plants, it is apparent that if this handler's utilization is excluded the remaining volume of Class II milk assigned to city plant receipts in the Boston market would be inconsequential.

The record of this hearing does not provide an adequate basis for evaluating the proposal for a higher Class II city plant pricing for a limited specified Class II usage. It is concluded appropriate under the existing market situation to provide a city plant Class II price differential of 5.8 cents per hundredweight in lieu of the 38.1 cents differential presently provided. If it is considered desirable that a higher city plant Class II price be established for certain specified uses this matter may be appropriately considered at a later hearing.

5. Differentials for determination of zone price applicable to plants located 41-60 miles from Boston. The zone price differentials applicable to plants located 41–60 miles from Boston should be revised to retain, insofar as possible, the same relation of prices which has existed between the Boston and Merrimack Valley handlers. The present differentials set forth in the Boston order would accomplish this except in the case of one plant. This plant, located in Manchester, New Hampshire, is in the 4th zone under the present Merrimack Valley order and is subject to a minus 17 cents Class I differential and a minus 2 cents Class II differential. Under the Boston order this plant would fall in the 6th zone subject to a plus 18 cents Class I differential and a plus 4 cents Class II differential. Ounder the present Boston order there are no plants in either the 5th or 6th zones.

Basic prices under the Boston order are determined at the 21st zone, while lap to a considerable extent, but are not

are determined at the city. The Boston Class I price at city plants is 54 cents higher than the price at plants in the basic 21st zone, and at the identical level of the basic (city plant) price under the Merrimack Valley order. A differential of plus 37 cents over the 21st zone Class I price, applicable to plants in the 6th zone would result in the same cost of Class I milk as the present "minus 17 cents" from the city plant price under the Merrimack Valley order and would retain the identical level of Class I prices which has existed at each plant regulated under the respective orders with the single exception of one Merrimack Valley country plant located at Lyndonville. Vermont. This plant located in the 16th zone under the existing Merrimack Valley order will be in the 19th zone under the Boston order. Hence the Class I price applicable at this plant will be reduced 3.6 cents under the consolidated order. As previously indicated, this plant has experienced serious procurement difficulties because of the recent differences between the Boston and Merrimack Valley blended prices. The merger of the two orders under the terms herein proposed was generally supported by all parties at the hearing, including the operator of the Lyndonville plant, and will provide equal pricing for all pants competing for a milk supply in the Lyndonville area.

The Boston Class II price applicable at plants in the 6th zone is "plus 4 cents". The Class II price applicable to the Manchester, New Hampshire plant under the Merrimack Valley order is "minus 2 cents" which is equivalent to plus 3.8 cents over the Boston 21st zone Class II price. It is appropriate therefore to provide a plus 3.8-cent Class I price differential to be applicable in the 6th zone.

There are presently no plants under the Boston order located in the 5th zone (41 to 50 miles) and there would be no plant so located under the consolidated The changes in differentials herein proposed for the 6th zone (51 to 60 miles) raises the question of the appropriateness of the present differential applicable in the 5th zone. Since no existing plants would be affected this problem can be handled most appropriately by combining the two zones into one zone (41 to 60 miles). This procedure was proposed and generally supported at the hearing.

Except as discussed under Issue No. 4. and except for one plant at Lyndonville. Vermont, the prices applicable at each plant under the consolidated order would be at the identical levels presently prevailing under the separate regula-

6. Extension of the 46-cent farm location differential area. The area to which the 46-cent farm location differential is applicable under the consolidated order should include the identical areas in which such differentials now apply under either the Merrimack Valley or Greater Boston order.

The nearby differential areas, as defined under the respective order, overunder the Merrimack Valley order they entirely coincident. The 46-cent differential area under the Boston order includes all producers whose farms are located within 40 miles of the State House in Boston. In Merrimack Valley the area includes all producers whose farms are located within 40 miles of the City Hall in Lawrence. The 23-cent differential area under each order includes all producers whose farms are located outside the 46-cent differential area but within 80 miles of Boston.

While only 2.5 percent of the total milk received from producers under the Boston order comes from farms located within 40 miles of Boston, 67.2 percent of the milk received from producers under the Merrimack Valley order comes from farms located within 40 miles of Lawrence. Unless the proposed differential area is adopted, returns to 185 producers presently in the 46-cent differential area under the Merrimack Valley order would be adversely affected. Forty-two Merrimack Valley producers whose farms are in the area of overlap for the two markets would not be affected.

The merger of the two orders will not materially affect the relationship of individual producers with respect to their present markets. The differential areas as presently defined have been found to be appropriate for the respective markets and should therefore be retained under the merged order. Except for two Boston producers, who would fall within the 46-cent area as herein proposed, but who are presently in the 23-cent area, the extension would provide the same treatment for producers under the merged order as they receive under presently existing, separate regulations.

7. Conforming changes. Other order changes recommended are merely conforming changes to implement the recommendations hereinbefore discussed.

The Merrimack Valley order presently contains a marketing service provision, however, the Boston order contains no similar provision. Proponents, while generally favoring a marketing service provision, took the position that its inclusion was not essential as a condition of merger of the two orders and that consideration therefore should be deferred until a later hearing. This position was uncontested at the hearing. Accordingly, no marketing service provision is contained in the consolidated order.

The reserve maintained in the Merrimack Valley marketing service fund is approximately the equivalent of the cost of performing marketing services for one month. In anticipation of the merger of the two orders, the marketing service deduction under the Merrimack Valley order will be suspended for the month of June 1959. Services to be performed during that month are expected to exhaust the present reserve in the marketing service fund and accordingly no problem exists relative to the disposition of this fund.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of

the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of

said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 18th day of June 1959.

TRUE D. Morse, Acting Secretary.

Order 1 Amending the Order Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area

§ 904.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a

<sup>&</sup>lt;sup>1</sup>This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

sufficient quantity of pure and wholesome milk, and be in the public interest.

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his prorata share of such expenses, 3 cents per hundredweight or such amount not exceeding 3 cents per hundredweight as the Secretary may prescribe, with respect to all of his receipts of milk from producers (including such handler's own production), his receipts of outside milk, and his receipts of exempt milk processed at a regulated plant.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

#### § 904.1 [Amendment]

1. Delete paragraph (b) of § 904.1 and substitute therefor the following:

(b) "Greater Boston, Massachusetts, marketing area," also referred to as the "marketing area," means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover Nahant. Arlington. Natick. Bedford. Needham. Belmont. Newton. Beverly. North Andover. Peabody. Billerica. Boston. Quincy. Braintree. Reading. Revere. Brookline. Cambridge. Salem. Chelmsford. Saugus. Somerville. Chelsea. Dedham. Stoneham. Dracut. Everett: Swampscott. Tewksbury. Framingham. Tyngsboro. Groveland. Wakefield. Waltham. Haverhill. Watertown. Lawrence. Lexington. Wayland. Wellesley. Lowell. Lynn. Westford. Malden. West Newbury. Marblehead. Weston. Medford. Weymouth. Melrose. Winchester. Merrimac. Winthrop. Methuen. Woburn. Milton.

#### § 904.20 [Amendment]

2. Delete the first sentence in § 904.20 and substitute therefor the following:

"Subject to the provisions of §§ 904.21 and 904.24, each receiving plant shall be a pool plant in the first month in which the handler operates it in conformity with the basic requirements specified in this section, and shall thereafter be a pool plant for the remaining months of the marketing year in which it is operated by the same handler."

#### § 904.21 [Amendment]

3. Insert as the beginning of the first sentence of § 904.21 the following: "Except as provided in § 904.24,"

4. Add a new § 904.24 to read as follows:

## § 904.24 Receiving plants operated by associations of producers.

Subject to § 904.21(f), any receiving plant which is operated by an association of producers, is located in the marketing area, and as to which the requirements of § 904:20 (a) and (b) are met, shall be a pool plant in any month in which the quantity of Class I milk disposed of directly to consumers from such plant does not exceed 2 percent of its total receipts of fluid milk products other than cream.

#### § 904.42 • [Amendment]

5a. Delete the figures "+38.1" as they appear in the first line below the heading in column D of the table in § 904.42(c) and substitute therefor the figures "+5.8".

b. Delete all of the figures in the 2d and 3d lines below the headings in colums A, B, C, and D as they appear in the table in \$904.42(c) and substitute therefor in column A the figures "41 to 60", in column B the figure "6", in column C the figures "+37.0" and in column D the figures "+3.8".

#### § 904.64 [Amendment]

6. Delete paragraphs (a) and (b) of § 904.64 and substitute therefor the following:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles from both the State House in Boston and the City Hall in Lawrence, but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to \$\$ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston or not more than 40 miles from the City Hall in Lawrence, there shall be added 46 cents per hundred-weight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

[F.R. Doc. 59-5215; Filed, June 23, 1959; 8:46 a.m.]

[7 CFR Part 990]

[Docket No. AO-302-A1]

## MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

#### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Providence, Rhode Island, on May 22, 1959, pursuant to notice thereof issued on April 30, 1959 (24 F.R. 3611).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 8, 1959 (24 F.R. 4752), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the

hearing relates to:

The extension of the marketing area to include Dukes County, Massachusetts.

Findings and conclusions. The following findings and conclusions on the material issue is based on evidence presented at the hearing and the record thereof:

Extension of marketing area. The marketing area should be extended to include Dukes County, Massachusetts. This county is comprised of a number of islands situated off-shore in the Atlantic Ocean directly south and southwest of Barnstable County (Cape Cod). They are known as Martha's Vineyard and the Elizabeth Islands. Martha's Vineyard, by far the largest of these Islands is of substantial economic importance. It is a renowned summer resort area and as such is subject to wide seasonal variation in demand for fluid milk.

The proposal for the inclusion of Dukes County in the marketing area was made by the Martha's Vineyard Cooperative Dairy, Inc., a cooperative association whose membership includes virtually all of the dairy farmers on Martha's Vineyard producing milk for sale.

The proposed extension was supported by all interested-parties at the hearing. The proposal was also made and generally supported at the original promulgation hearing. The inclusion of the county in the marketing area at that time was not possible, however, because it was not included in the notice of hearing.

During the vacation season (July, August and part of September). local production is substantially below the Island's needs for fluid milk. The cooperative supplements its, local receipts by the purchase of considerable quantities of milk from the mainland. In addition one of the larger pool handlers presently operating in the marketing area has substantial distribution on the Island. During other periods of the year local pro-

duction exceeds local fluid needs and the cooperative has regularly disposed of such excess milk off-island to handlers now regulated under the order.

The off-island shipments to pool plants have been sufficient to qualify the cooperative's plant as a pool plant since the inception of the order. However, it is expected that under the present terms of the order the plant will lose its pool status during the months of July, August and possibly September, when its total receipts are used locally. Nonpool status in any of such months would preclude the plant from retaining pool status in any of the months of December through June, regardless of the volumes moved to pool plants in such months. Milk so moved would be other source milk and the cooperative could expect a return of no more than the Class II price less the substantial transportation charges involved in moving milk to the mainland. Such a return would seriously jeopardize the economy of the Island, of which dairying is an important segment.

The addition of Dukes County to the marketing area will assure the continuing participation of the Martha's Vineyard plant in the pool. While it is essentially a distributing plant, whose operations are primarily confined to the Island of Martha's Vineyard, it nevertheless has a substantial relationship with other parts of the marketing area from the standpoint of both receipts and disposition of milk. Extension of the area, as proposed, will avoid unnecessary hardship on a small group of producers who have been generally associated with the market over an extended period of years and will bring under regulation no additional handlers.

As previously indicated, that part of the county other than Martha's Vineyard consists of a number of small islands. Accordingly, for administrative convenience in definition it is concluded that the marketing area should be extended to include all of Dukes County.

Expansion of the marketing area as herein recommended will bring no new handlers under regulation and the amended order will continue regulation of handlers in the identical manner presently provided. No other modifications of the order were proposed and it is concluded that no further changes are necessary on the basis of this record.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in

the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. June 1, 1959, was set by the Hearing Officer as the final date in which briefs might be filed. However, no briefs were filed and accordingly no rulings are made.

Rulings on exceptions. No exceptions were filed to the recommended decision and accordingly, no rulings are made.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Southeastern New England Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Southeastern New England marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 18th day of June 1959.

TRUE D. Morse, Acting Secretary.

Order 1 Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area

§ 990.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary

and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment, as a pro rata share of such expense, 5 cents per hundredweight-or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe as follows: (i) by each pool handler with respect to (a) receipts of producer milk, including such handler's own production. (b) receipts of exempt milk, and (c) receipts of other source milk classified as Class I; (ii) by each buyer-handler with respect to receipts of other source milk classified as Class I, and (iii) by each nonpool handler, except a buyerhandler, with respect to other source milk disposed of as Class I milk in the marketing area on routes.

In lieu of the payments prescribed above, in the case of such other source receipts from a plant regulated under another Federal order, the rate of payment shall be an amount by which the

<sup>&</sup>lt;sup>1</sup>This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been

rate of assessment under this order exceeds the rate of assessment applicable on such milk under other Federal orders.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

Delete § 990.1(b) and substitute therefor the following:

(b) "Southeastern New England marketing area", hereafter referred to as the 'marketing area" means all of the territory included within the boundary lines of the State of Rhode Island (excluding Block Island) and the Massachusetts counties of Bristol, Plymouth (excluding the towns of Hingham and Hull), Barnstable and Dukes County, together with all piers, docks and wharves connected therewith and craft moored thereat and including all territory within such boundaries which is occupied by Government (municipal, State or Federal) installations, institutions, or other establishments.

[F.R. Doc. 59-5216; Filed, June 23, 1959; 8:47 a.m.]

### I 7 CFR Part 1000 1

[Docket No. AQ-266-A2]

## MILK IN CHATTANOOGA, TENNESSEE, MARKETING AREA

#### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Chattanooga, Tennessee, on May 26, 1959, pursuant to notice thereof issued on May 14, 1959 (24 F.R. 4032).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 8, 1959 (24 F.R. 4753), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Chattanooga, Tennessee, on May 26, 1959, pursuant to notice thereof which was issued May 14, 1959 (24 F.R. 4032).

The material issues on the record of the hearing relate to:

1. Providing pool plant status to a plant operated by a cooperative associa-

2. Conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The definition of a "pool plant" should be modified to include a plant operated by a cooperative association if the milk produced by members of such association which is received directly at pool plants of other handlers plus the milk transferred from the plant operated by the cooperative association to the pool plants of other handlers is equal to at least 50 percent of the total Grade A milk delivered to all plants by members of the association.

Under the present provisions of the order a plant which meets the appropriate health requirements is a pool plant if.

(a) At least 50 percent of its receipts of milk from other pool plants and from approved dairy farmers is disposed of during the month as Class I milk and if at least 20 percent of its total Class I disposition is within the marketing area, or

(b) At least 50 percent of its receipts from approved dairy farmers is shipped during the month to distributing plants defined in (a) above.

The Chattanooga Area Milk Producers Association, which markets the milk of approximately two-thirds of the producers supplying the Chattanooga market, operates a nonpool plant which receives the majority of milk not needed by pool plants. This milk is moved to other markets or is used for manufacturing purposes at the cooperative plant.

Currently, as in years past, the cooperative is allocating member milk by assigning producers to the respective plants. During the twelve-month period ending with April 1959, 78 percent of the milk delivered by members of the association was delivered to Chattanooga pool plants, ranging from a low of 65 percent in May 1958 to a high of 85 percent in January 1959. The producer milk not needed by these plants is diverted to the cooperative's plant.

The increasing shift to farm bulk tanks by member producers, and pick-up in tank trucks as the method of collecting and moving the milk to market necessitates a modification in the cooperative's method of allocating member milk to distributing plants. To accommodate this modification, the cooperative association proposed the amendment herein provided. No handlers opposed the amendment and one relatively large handler testified in favor of it.

At least two handlers who are currently receiving milk from bulk tank and can producers have notified the cooperative association that they will no longer receive milk from can shippers after a certain date. One handler notified the association he will not receive milk in cans after July 1, 1959. Presumably, other handlers operating both bulk tank and can-receiving facilities may discontinue receiving milk in cans. The cooperative anticipates receiving the production of can shippers at its plant and supplying supplemental milk in bulk form to handlers.

As the shift to farm bulk tank increases, the consolidation of receipts of canned milk at the cooperative plant will be most efficient and will better contribute to the allocation of supplies of milk to distributing plants. As a result, transfers of milk from the association plant to some handlers' plants will be necessary to provide them with a full supply. The association plant will also serve to meet the varying requirements of handlers who sometimes need milk in addition to direct receipts from producers.

It is anticipated that the volume of supplemental milk which is moved from the plant of the cooperative to pool plants will not be sufficient to insure pool status to the cooperative plant according to present standards. Unless the association plant is defined as a "pool plant" any milk transferred therefrom to pool plants would be a receipt of other source milk at the pool plants and would be allocated accordingly.

Conceivably, the cooperative association plant could meet the current "pool plant" definition by receiving a greater volume of milk of its members and transferring it to pool plants of other handlers. Such an arrangement would be inefficient and is unnecessary. Therefore, the order should be amended to enable the plant of any cooperative association to become a pool plant if the plant's primary function is associated with the demand for fluid milk in the Chattanooga market.

That such a plant's primary function is associated with the fluid demand of the Chattanooga market may be determined on the basis that the sum of the milk produced by members of the particular association which is delivered to other pool plants plus the milk transferred thereto from the plant of the cooperative association is equal to at least 50 percent of the total Grade A milk deliveries of all members of the association. The order should be amended accordingly.

Pursuant to the producer proposal, part of the requirement for determination of pool status of distributing plants would be that total disposition of Class I milk be not less than 50 percent of receipts from all sources rather than receipts from approved dairy farmers and other pool plants. Producers expressed concern that under the present provision a distributing plant which disposes of Class I milk in a volume and manner to meet the "pool plant" definition would, nevertheless, be a nonpool plant if it received its entire supply from other sources.

Since the kind of plant operation described does not include any receipts from dairy farmers or pool plants, the requirement with respect to amount of milk in Class I is zero. Thus, any Class I disposition by such plant meets this part of the "pool plant" requirements. Such a plant would qualify under the "pool plant" definition if 20 percent of its Class I sales were disposed of in the marketing area. Accordingly, this aspect of the producer proposal is denied.

The "pool plant" provision conditions pool status for a plant on the basis of approval by a health authority having jurisdiction in the marketing area.

The "approved dairy farmer" definition recognizes the acceptance by Chattanooga health authorities of milk inspected by other health authorities by providing that an approved dairy farmer is one who produces milk in compliance with the requirements of a duly constituted health authority.

In order to facilitate order administration and provide consistency in the "pool plant" and "approved dairy farmer" definitions, the pool status of a plant should be conditioned on compliance with the inspection requirements of a duly constituted health authority.

2. The "producer" definition should be amended to exempt that milk which is diverted to a Chattanooga pool plant from a plant which is a pool plant under the terms of the Knoxville Federal order.

Milk which is producer milk under the terms of the Knoxville Federal order has, on occasion during the past when not needed for Class I uses in the Knoxville market, been diverted to the plant operated by the Chattanooga association. For many Knoxville producers this is the nearest plant to which their milk may be diverted, and it thus serves as an important outlet for reserve milk from the Knoxville market. Pursuant to the amendment herein provided, the plant of the Chattanooga Area Milk Producers Association will be a pool plant under the Chattanooga order and milk which is received directly thereat from approved dairy farmers, including that diverted from the Knoxville order plants, would be producer milk under the Chattanooga order unless otherwise exempted. Since this milk from the Knoxville market is diverted to the association plant only when it is not needed for Class I use in that market, the "producer" definition in the Chattanooga order should be modified so that Knoxville producer milk may continue to be received at the association's plant without being considered producer milk under the terms of the Chattanooga order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were not filed on behalf of interested parties.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously-issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

- (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act:
- (b) The parity prices of milk as determined pursuant to section 2 of the Act are not resasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which

milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest: and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. Exceptions were not filed on behalf of any interested party.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Chattanooga, Tennessee, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Chattanooga, Tennessee, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Chattanooga. Tennessee, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 18th day of June 1959.

> TRUE D. MORSE, Acting Secretary.

Order 1 Amending the Order Regulating the Handling of Milk in the Chattanooga, Tennessee, Marketing Area

#### § 1000.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous

affect market supply and demand for findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chattanooga, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended. and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended. regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chattanooga, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1000.6 and substitute therefor the following:

#### § 1000.6 Producer.

"Producer" means any approved dairy farmer who produces milk which is (a) received during the month at a pool plant: Provided, That this definition shall not include any approved dairy farmer with respect to milk produced by him which is subject to the pricing and payment provisions of the order regulating the handling of milk in the Knoxville, Tennessee, marketing area (Part No. 988); or (b) diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of March through July or on not more than 10 days during any other month. The milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which diverted.

2. Delete § 1000.7 and substitute therefor the following:

<sup>&</sup>lt;sup>1</sup>This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been

§ 1000.7 Pool plant.

"Pool plant" means any:

(a) Milk distributing plant approved or recognized by a duly constituted health authority for the receiving or processing of Grade A milk and from which Class I milk equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers is disposed of during the month on a route(s) and from which Class I milk equal to not less than 20 percent of its total Class I disposition is disposed of during the month on a route(s) in the marketing area:

(b) Milk supply plant which, during the month, ships fluid milk products approved or recognized by a duly constituted health authority as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk from approved dairy farmers to a plant specified in paragraph (a) of this section: Provided, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July unless the operator of such plant files with the market administrator prior to the first day of any of the months of March-July a written request for withdrawal: or

(c) A plant operated by a cooperative association if, during the month, the sum of the milk delivered to other pool plants by approved dairy farmers who are members of such cooperative association plus the milk which is transferred thereto from the plant operated by the cooperative association is equal to not less than 50 percent of the total volume of milk delivered to all plants by

approved dairy farmers who are members of the association.

[F.R. Doc. 59-5214; Filed, June 23, 1959; 8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

I 49 CFR Part 1951

[Ex Parte No. MC-40]

# QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

#### Notice of Proposed Rule Making

In the matter of combining notices of proposed rule making relating to hours of service of drivers issued on December 1, 1958, and May 5, 1959.

The matter of hours of service of drivers under the Motor Carrier Safety Regulations prescribed herein by order of April 14, 1952, as amended, being under consideration; and

It appearing that by order of December 1, 1958, the Commission issued a Notice of Proposed Rule Making relating to §§ 195.10, 195.11, and 195.12, including notice relating to drivers declared "out of service", and that by order of February 19, 1959, the time within which statements in response to said Notice of Proposed Rule Making might be made was extended to July 1, 1959; and

It further appearing that by order of May 5, 1959, the Commission issued a Notice of Proposed Rule Making relating to a complete revision of the hours of service regulations, excepting §§ 195.9, 195.10, 195.11, and 195.12, and provided

that such matter be orally heard; and

It further appearing that the subject matter of the two said Notices of Proposed Rule Making are closely related and should be handled concurrently and on a single record;

It is ordered, That the matters contained in said Notice of Proposed Rule Making of December 1, 1958, be assigned for hearing on a consolidated record with the matters contained in the Notice of Proposed Rule Making of May 5, 1959, at a time and place to be hereafter fixed by the Commission;

It is further ordered, That verified statements which have been submitted and which may be submitted until July 1, 1959, in response to the Notice of Proposed Rule Making of December 1, 1958, will be considered in this proceeding, provided that those persons who file such verified statements appear at the hearing assigned herein for the purpose of cross-examination with respect to the matters set forth in their verified statements; and if the said witnesses do not appear for cross-examination their verified statements shall be subject to a motion to strike.

Notice of this order shall be given to the general public by depositing a copy of this order in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 16th day of June A.D. 1959.

By the Commission, Chairman Tuggle.

ALI HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-5225; Filed, June 23, 1959; 8:48 a.m.]

### NOTICES -

# INTERSTATE COMMERCE COMMISSION

[Notice 13]

APPLICATIONS FOR MOTOR CARRIER CERTIFICATE OR PERMIT DURING "INTERIM" PERIOD

JUNE 19, 1959.

Applications for motor carrier certificate or permit covering operations commenced during the "interim" period, after May 1, 1958, but on or before August 12, 1958.

12, 1953.

The following applications and certain other procedural matters relating thereto are filed under the "interim" clause of section 7(c) of the Transportation Act of 1953. These matters are governed by § 1.243 [Special Rule] published in the Federal Register issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application

(consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 20783 (Sub No. 40), filed December 10, 1958. Applicant: TOMPKINS MOTOR LINES, INC., 730 Old Flat Shoals Road, SE., Atlanta 12, Ga. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen

fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas and hemp, between points in Arkansas Florida, Georgia, Alabama, North Carolina, South Carolina, Tennessee, Louisiana, Mississippi, Kentucky, Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, Minnesota, Missouri, Iowa, Indiana, Virginia, and West Virginia. Applicant indicates that crudé rubber (imported has been transported in mixed or straight loads.

No. MC 30226 (Sub No. 4), filed December 9, 1958. Applicant: HOWELL TRUCKING COMPANY, INC., 52 11th Avenue, New York, N.Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, N.Y. Authority sought under section 7 of the Transportation Act of 1958 to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, berries, and vegetables, between points in New York and New Jersey. Applicant states it has been transporting fish, poultry, juices and similar commodities in mixed shipments with the above specified commodities.

No. MC 113255 (Sub No. 9), filed December 10, 1958. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Brighton, Minn. Applicant's attorney: Donald A. Morken, 1100 First Nat'l-Soo Line Building, Minneapolis 2, Minn. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wool imported from any foreign country, wool tops and noils, and wool waste (carded, spun, woven or knitted), from points in Florida, Texas, New York, Massachusetts, and Illinois, to points in Illinois, Wisconsin, Minnesota, North Dakota, and South Dakota. Applicant indicates it also transports citrus juices, in bulk, in tank vehicles.

No. MC 114019 (Sub No. 24), filed December 10, 1958. Applicant: EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, bananas and hemp, between points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Applicant states that crude rubber and liquid latex were transported.

No. MC 117847, filed November 17, 1958. Applicant: VANEK BROS. MOTOR SERVICE, INC., 1415 West Pershing Road, Chicago 9, Ill. Applicant's attorney, Themis N. Anastos, Cartage Exchange of Chicago, Ind., 343 South Dearborn Street, Chicago 4, Ill. Authority sought under section 7 of the Transportation Act of 1958 to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, and frozen vegetables, from Chicago, Ill., Benton Harbor, Mich., and St. Louis, Mo., to Chicago, Ill., and St. Louis, Mo.

Note: Applicant is authorized, in No. MC 66708 (Sub No. 1), to conduct operations under the second proviso of section 206(a) (1) of the Interstate Commerce Act, in the name of Joseph C. Vanek, individual, doing business as Vanek Bros. Motor Service.

By the Commission.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-5220; Filed, June 23, 1959; 8:48 a.m.]

[Notice 89]

#### MOTOR CARRIER ALTERNATE ROUTE **DEVIATION NOTICES**

JUNE 19, 1959.

The following letter-notices of pro-

for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 45657 (Deviation No. 2), PIC-WALSH FREIGHT CO., 731 Campbell Avenue, St. Louis 15, Mo., filed June 3, 1959. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route, between St. Louis, Mo., and Paragould, Ark., as follows: from St. Louis over U.S. Highways 61 and 67 to junction of those highways at or near Festus, Mo., thence over U.S. Highway 67 to junction Missouri Highway 53 at or near Poplar Bluff, Mo., thence over Missouri Highway 53 to junction U.S. Highway 62 at or near Campbell, Mo., thence over U.S. Highway 62 to junction Arkansas Highway 1, and thence over Arkansas Highway 1 to Paragould, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between St. Louis and Paragould over the following pertinent route: from St. Louis across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 3 to junction Illinois Highway 146, thence over Illinois Highway 146 and the Mississippi River bridge to Cape Girardeau, Mo., thence over U.S. Highway 61 to junction U.S. Highway 60 near Sikeston, Mo., thence over U.S. Highway 60 to Dexter, Mo., thence over Missouri Highway 25 to junction Missouri Highway 84 (formerly Missouri Highway 25), thence over Missouri Highway 84 via Kennett, Mo., to junction county highway EE, thence over county highway EE to junction Missouri Highway 25, thence over Missouri Highway 25 to the Missouri-Arkansas State line, and thence over Arkansas Highway 25 to Paragould.

No. MC 110325 (Sub No. 1), (Deviation No. 5), TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif., filed June 8, 1959. Attorney for said carrier, Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities. with certain exceptions, over deviation posals to operate over deviation routes routes (A) between Pine Bluff, Ark., and over the following pertinent route: from

Birmingham, Ala., as follows: from Pine Bluff over U.S. Highway 65 to junction U.S. Highway 82 near Lake Village, Ark., thence over U.S. Highway 82 to Tuscaloosa, Ala., thence over U.S. Highway 11 to Birmingham; (B) between Pine Bluff, Ark., and Pell City, Ala., as follows: from Pine Bluff over U.S. Highway 65 to junction U.S. Highway 82 near Lake Village, Ark., thence over U.S. Highway 82 via Tuscaloosa to Centerville, Ala., thence over Alabama Highway 25 to Harpersville, Ala., thence over Alabama Highway 53 to Pell City; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: from Pine Bluff over U.S. Highway 79 to Stuttgart, Ark., thence over Arkansas Highway 11 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., thence over U.S. Highway 78 via Birmingham to Pell City, and return over

the same route.

No. MC 110325 (Sub No. 1), (Deviation No. 6), TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif., filed June 11, 1959. Attorney for said carrier, Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route between Selmer, Tenn., and Birmingham, Ala., as follows: from Selmer over U.S. Highway 64 to Savannah, Tenn., thence over Tennessee Highway 69 to the Tennessee-Alabama State line, thence over Alabama Highway 20 via Florence, Ala., to Decatur, Ala., thence over U.S. Highway 31 to Birmingham, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Selmer and Birmingham over the following pertinent route: from Selmer over U.S. Highway 45 to junction U.S. Highway 72, thence over U.S. Highway 72 to junction Mississippi Highway 25 at Iuka, Miss., thence over Mississippi Highway 25 to Belmont, Miss., thence over county highway 366 to Red Bay. Ala., and thence over Mississippi Highway 23 to Tremont, Miss., thence over U.S. Highway 78 to Birmingham.

No. MC 112713 (Deviation No. 3), YEL-LOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street Kansas City, Mo., filed June 11, 1959. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route. between Wichita, and Hutchinson, Kans., as follows: from Wichita over U.S. Highway 54 to junction Kansas Highway 17, thence over Kansas Highway 17 to Hutchinson and return over the same route. for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Wichita and Hutchinson Wichita over U.S. Highway 81 to Newton, Kans., and thence over U.S. Highway 50 (formerly U.S. Highway 50S), to Hutchinson.

MOTOR CARRIER OF PASSENGERS

No. MC 61598 (Deviation No. 1), SMOKY MOUNTAIN STAGES, INC., P.O. Box 2387, Charlotte, N.C., filed June 5, 1959. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers, over a deviation route, between Atlanta and Windser, Ga., as follows: from Atlanta over a newly constructed expressway and access routes to Winder and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Atlanta and Winder over U.S. Highway 29.

By the Commission.

HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-5222; Filed, June 23, 1959; 8:48 a.m.]

[Notice 143]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 19, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62237. By order of June 16, 1959, the Transfer Board approved the transfer to Talton A. Turner, doing business as Turner Motor Lines, Opelousas, La., of the "grandfather" operating rights claimed to have been performed by W. C. Price, Jr., Summit, Miss., under Section 7 of the Transportation Act of 1958 (72 Stat. 574), for which a certificate is sought in Docket No. MC 118328, authorizing the trans-

portation of: Coffee beans and bananas,

from New Orleans, La., to points in Ari-

zona, California, Colorado, Georgia, Iowa, Michigan, Minnesota, Montana, Nebraska, Ohio, South Dakota, Texas, Utah, Washington, West Virginia, and Wyoming. Lawrence B. Sandoz, Jr., P.O. Box 128, Opelousas, La., for applicants.

[SEAL]

Harold D. McCoy, Secretary.

[F.R. Doc. 59-5223; Filed, June 23, 1959; 8:48 a.m.]

[Notice 274]

#### MOTOR CARRIER APPLICATIONS

JUNE 19, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEAR-ING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 42405 (Sub No. 10) (REPUB-LICATION), filed February 24, 1959, published issue of Federal Register of April 15, 1959. Applicant: MISTLETOE EXPRESS SERVICE, a Corporation, 111 Harrison, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. By application filed February 24, 1959, applicant sought authority to operate as a common carrier, by motor vehicle, over regular routes (more specifically set forth in previous publication), transporting: General commodities, except Class A and B explosives, moving in express service, (1) between Wichita, Kans., and Medford and Alva, Okla., serving no intermediate points with authority to tack at Medford and Alva, Okla., for purposes of joinder, (2) between Enid, Okla., and Junction U.S. Highway 281 and Oklahoma Highway 15, (3) between Tonkowa and Pond Creek, Okla., (4) between Medford and Blackwell, Okla., (5) between Arapaho and Sayre, Okla., (6) between Elk City and Leedey, Okla., and (7) between Junction U.S. Highway 64 and Oklahoma Highway 45, serving all intermediate points on the above routes (2), (3), (4), (5), (6), and (7). Hearing was held on June 1 and 2, 1959, at Wichita, Kans. At the hearing it was developed that through inadvertence the application failed to include the following alternate route: Between Alva, Okla., and junction U.S. Highway 281 and Oklahoma Highway 45, over U.S. Highway 281 via Hopeton, Okla., serving no intermediate points, as an alternate route for operating convenience only. Under the circumstances the Joint Board permitted an amendment to include the above alternate route. The issuance of a Certificate will be withheld until after the lapse of thirty (30) days from the date of this republication in the FEDERAL REG-ISTER, during which time any person or persons who may have been prejudiced by the allowance of the amendment may file an appropriate petition for further hearing.

No. MC 106977 (Sub No. 20), filed May 27, 1959. Applicant: T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney Street, P.O. Box 2625, Houston, Tex. Applicant's attorney: Reagan Sayers,

Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the St. Francisville Paper Mill of Crown Zellerbach Corporation, Gaylord Container Division, located approximately 18 miles north of Baton Rouge, La., on the southwest side of U.S. Highway 61, at the new community of Zee, La., as an off-route point in connection with applicant's authorized regular route operations to and from Baton Rouge, La. Applicant is authorized to conduct operations in Alabama, Louisiana, Mississippi, and Texas.

HEARING: July 13, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 164, or, if the Joint Board waives its right to participate, before Examiner Leo W.

Cunningham.

No. MC 108449 (Sub No. 89) (REPUB-LICATION), filed June 1, 1959, published issue of June 17, 1959. Applicant: IN-DIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid fertilizer and fertilizer solutions, in bulk. in tank vehicles, (1) from West Union, Iowa, to points in Minnesota, Wisconsin, and Illinois, and (2) from Sanborn, Iowa to points in Minnesota, South Dakota, and Nebraska, and empty containers or other such incidental facilities, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

Note: The purpose of this republication is to show that in (2) above traffic will originate at Sanborn, Iowa, rather than Storm Lake, Iowa, as shown in previous publication.

HEARING: Remains as assigned July 29, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 111159 (Sub No. 82), filed April 23, 1959. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Acids and chemicals, in bulk, in tank vehicles, from Jackson, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Louisiana, Tennessee, Florida, Kentucky, Mississippi, Oklahoma, Missouri, Illinois, Ohio, and Indiana.

HEARING: July 31, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Leo M. Pellerzi.

No. MC 111159 (Sub No. 83), filed April 27, 1959. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Highway 80 West, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Urea, in bulk from Memphis, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, and Texas. Applicant is authorized to conduct operations in Alabama, Florida, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Tennessee.

HEARING: July 31, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Leo M. Pellerzi.

No. MC 111159 (Sub No. 85), filed April

27, 1959. Applicant: MILLER TRANS-PORTERS, LTD., P.O. Box 1123, Highway 80 West, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, from Jackson, Miss., to points in Alabama, Arkansas, Louisiana, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Tennessee.

HEARING: July 31, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Ex-

aminer Leo M. Pellerzi.

No. MC 112567 (Sub No. 2), filed December 15, 1958. Applicant: ARTHUR B. McRAY, doing business as McRAY TRUCK LINE, 210 Doctor Street, Spring field, Ky. Authority sought to operate as a contract carrier, by motor vehicle. over irregular routes, transporting: Wool imported from any foreign country, from Louisville, Ky., to Boston, Mass., Newfane, Rensselaer, and Syracuse, N.Y., Rochelle, Ill., Johnsonville and Jamestown, S.C., Dyersburg, Tenn., Rossville, Ga., and Philadelphia, Pa.

Note: The subject application was tendered under section 7 of the Transportation Act of As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: July 24, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Leo M. Pellerzi.

No. MC 117185 (REPUBLICATION). filed February 12, 1958, published issue FEDERAL REGISTER March 20, 1958. plicant: JOSEPH A. LAPANSEE AND ENGENE N. LAPANSEE doing business as J. & E. TRUCKING COMPANY, 2700 South Main Street, Adrian, Mich. Applicant's attorney: Edward Sanders, 4055 Penobscot Building, Detroit 26, Mich. Notice of the filing of the subject application as originally published in the FEDERAL REGISTER was ambiguous and not an accurate reflection of the application as filed. A Report and Order of division 1, decided June 8, 1959, authorizes the issuance of a permit to operate as a contract carrier by motor vehicle, in interstate or foreign commerce, transporting, over irregular routes, (1) brass and aluminum billets, from Butler, Ind., to Adrian and Holland, Mich., and (2) brass and aluminum scrap, from Adrian and Holland, Mich., to Butler, Ind., limited to a transportation service to be performed for Bohn Aluminum and Brass Corporation, of Detroit, Mich. A Permit is to be issued after the elapse of 30 days from this republication in the FEDERAL REGIS-TER, provided that no petitions for further hearing are received during that period.

No. MC 118788 (Sub No. 1), filed May 18, 1959. Applicant: ROBERT PAR-RISH, ROBERT G. PARRISH AND BU-FORD PARRISH, doing business as PARRISH BROS. IMPLEMENT CO., 905 Fehr Avenue, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer, fertilizer compounds and fertilizer material, in bulk, and in bags, from Jeffersonville and New Albany, Ind., and points within three (3) miles of each, to points in Kentucky.

HEARING: July 24, 1959, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155, or, if the Joint Board waives its right to participate, before

Examiner Leo M. Pellerzi.

No. MC 118833, filed April 20, 1959. Applicant: VAN E. HAMLETT, 3049 Dickerson Road, Nashville, Tenn. Applicant's attorney: A. O. Buck, Suite 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Rough and dressed lumber, hardwood flooring, wooden dowels, baseball bat blocks and handle block, moving on flat bed trailers, moving on flat bed trailers, between points in Davidson and Robertson Counties, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia.

HEARING: July 27, 1959, at the Kinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Leo M. Pellerzi.

APPLICATIONS IN WHICH HANDLING WITH-OUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 52917 (Sub No. 21), filed June 11, 1959. Appllicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, and meat by-products, and dairy products, as described in Section A and B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in vehicles equipped with meat rails and mechanical refrigeration, between New York, N.Y., and Jersey City, N.J., and Perryville, Md. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

Note: Any duplication with present authority to be eliminated.

No. MC 60012 (Sub No. 44), filed June 8, 1959. Applicant: RIO GRANDE MO-TOR WAY, INC., 775 Wazee St., P.O. Box 5482, Denver, Colo., Applicant's attorney: Ernest Porter, 1531 Stout Street, Denver 17, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, including Class A and B explosives, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Aztec and Farmington, N. Mex., and Blanco, N. Mex. Applicant is authorized to conduct operations in Colorado and New Mexico.

Note: Applicant states Blanco is located at the junction of New Mexico Highways 17 and 173 in San Juan County, N. Mex. Applicant is a wholly owned subsidiary of The Denver and Rio Grande Western Railroad Company. Applicant is authorized to conduct operations in Colorado and New Mexico.

No. MC 107496 (Sub No. 138), filed June 12, 1959. Applicant: RUAN TRANS-PORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, from Havana, Ill., to-points in Iowa. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ne-braska, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin.

No. MC 107496 (Sub No. 139), filed June 15, 1959. Applicant: RUAN TRANSPORT CORPORATION. Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Edible lard, in bulk, in tank vehicles, from Denison, Iowa, to Los Angeles, Calif. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota. Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin. No. MC 108329 (Sub No. 2), filed June

1959. Applicant: JAMES R. MAYS AND LANDIS R. MAYS, doing business as KATO THEATRE SERVICE, Route 3, Elizabethtown, Ky. Applicant's attorney: Earl C. Frankenberger, Kentucky Home Life Building, Louisville, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motion picture films, projector equipment and supplies, and advertising matter, between Indianapolis, Ind., and the site of The Valley Auto Theatre located on U.S. Highway 31W near Kosmosdale, Ky. Applicant is authorized to conduct operations in Indiana and Kentucky.

No. MC 109451 (Sub No. 99), filed June 15, 1959. Applicant: ECOFF TRUCK-ING, INC., 112 Merrill Street, Fortville,

Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Alcohol solvents, in bulk, in tank vehicles, from Ficklin, Ill., to Petrolia, Pa. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Ohio, Pennsylvania, Tennessee, West Virginia, and Wis-

No. MC 111397 (Sub No. 28), filed June 10, 1959. Applicant: WADE E. DAVIS, doing business as DAVIS TRANSPORT, 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: H. S. Melton, Jr., Williams Building, Broadway at 17th Street, Paducah, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid fertilizer solutions, in bulk, in tank vehicles, from Birds Point, Mo., and points within four (4) miles thereof, to points in Arkansas, Illinois, Kentucky, and Tennessee, and rejected shipments of the above-specified commodities and empty containers or other such inci-dental facilities (not specified) used in transporting the above-specified commodities on return.

No. MC 112750 (Sub No. 44), filed June 11, 1959. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard (DeBevoise Building), Bayside, Long Island, N.Y. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Commercial pa-pers, documents and written instruments, (except coin, currency, bullion and negotiable securities) as are used in the business of banks and banking institutions, and empty containers or other such incidental facilities used in transporting the above-described commodities, between Cleveland, Ohio, on the one hand, and, on the other, (1) points in Erie, Crawford, Mercer, Lawrence, Beaver, Venango, and Butler Counties, Pa., (2) points in Hancock, Brooke, Ohio, and Marshall Counties, W. Va., and (3) points in Belmont, Harrison, Jefferson, Columbiana, and Carroll Counties, Ohio. Applicant is authorized to conduct operations in New York, New Jersey, Connecticut, Pennsylvania, Ohio, West Virginia, Massachusetts, Delaware, Maryland, Virginia, the District of Columbia, Rhode Island, Illinois, Iowa, Missouri, Indiana, and Kentucky.

No. MC 116886 (Sub No. 5), filed June 10, 1959. Applicant: HOWELL'S MOTOR FREIGHT, INC., 1719 South Jefferson Street, Roanoke, Va. Applicant's attorney: R. R. Rush, 511 Boxley Building, Roanoke, Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Candy, in vehicles equipped with temperature-control devices, from Bristol, Va., to points in Virginia within 50 miles of Bristol, and points in Tennessee within 30 miles of Bristol, and rejected and refused shipments of candy, from the above-de-

Applicant is authorized to conduct operations in North Carolina, South Carolina, Tennessee, and Virginia.

#### APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

#### MOTOR CARRIERS OF PROPERTY

No. MC-F 7228. Authority sought for purchase by STERNBERGER MOTOR CORPORATION, 45-55 Pearson Street, Long Island City 1, N.Y., of the operating rights of JOSEPH ESBIT, doing business as ESBIT TRANSPORTATION AND STORAGE CO., 45–55 Pearson Street, Long Island City 1, N.Y., and for acquisition by IRVING STERNBERGER,
JOSEPH ESBIT, MAURICE GLUCK,
MICHAEL GLUCK, LAWRENCE
GLUCK and MORTON SIEGEL, all of Long Island City, of control of such rights through the purchase. Applicants' attorney: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Operating rights sought to be transferred: New furniture, as a common carrier over irregular routes, from New York, N.Y., and Jersey City, N.J., to points in that part of New York and New Jersey within 50 miles of the New York, N.Y., Commercial Zone, as defined by the Commission. Vendee is authorized to operate as a common carrier in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New, York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7230. Authority sought for purchase by OREN M. SIZER, doing business as SIZER GRAIN SERVICE, Highway 14 East, P.O. Box 97, Rochester, Minn., of a portion of the operating rights of KARL E. MOMSEN, doing business as MOMSEN TRUCKING CO., North Hiway 71 and 18, P.O. Box 225, Spencer, Iowa. Applicants' attorney: Claude J. Jasper, 110 East Main Street, Madison, Wis. Operating rights sought to be transferred: Animal and poultry feed, as a common carrier over irregular routes, from Burlington, Wis., to certain points in Iowa and South Dakota. Vendee is authorized to operate as a common carrier in Wisconsin, Minnesota, Illinois, North Dakota, Iowa, South Dakota, Nebraska, Missouri, and Colorado. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7231. Authority sought for purchase by SHAMROCK VAN LINES. INC., 106 North Haskell Street, Dallas 26, Tex., of a portion of the operating rights of MRS. JANETT B. KING (nee JANETT B. SPANGLER), doing busi-(nee ness as SPANGLER TRANSFER, 2023 Cumberland Avenue, Middlesboro, Ky., scribed destination points to Bristol, Va., and for acquisition by R. C. DAWE, also of Dallas, of control of such rights through the purchase. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Operating rights sought to be transferred: Household goods, as defined by the Commission, as a common carrier over irregular routes between points in Bell County, Ky., Lee County, Va., and Claiborne County, Tenn., on the one hand, and, on the other, points in Tennessee, Virginia, Kentucky, Indiana, Ohio, Michigan, West Virginia, Georgia, Alabama, and Florida. Vendee is authorized to operate as a common carrier in Texas, New Mexico, Arkansas, Missouri, Kansas, Florida, Oklahoma, Louisiana, Colorado, Mississippi, Tennessee, Georgia, North South Carolina, Virginia, Carolina, Pennsylvania, Delaware, New Jersey, New York, Massachusetts, Connecticut, Maryland, West Virginia, Ohio, Indiana, Illinois, 'Alabama, and the District of Columbia. Application has been filed for temporary authority under section 210a

No. MC-F 7232. Authority sought forpurchase by JAMES W. BALLEW AND ROBERT E. BALLEW, doing business as BALLEW TRUCKING COMPANY, East Highway 82, Gainesville, Tex., of the operating rights of L. C. FICKLIN, doing business as L. C. FICKLIN TRUCKING COMPANY, 524 Seventh Street, Wichita Falls, Tex. Applicant's attorney: Henry J. Anderson, 600 City National Building, Wichita Falls, Tex. Operating rights sought to be transferred: Machinery, materials, supplies, and equipment incidental to, or used in the construction, development, operation, and mainte-nance of facilities for the discovery, development, and production of natural gas and petroleum, as a common carrier over irregular routes, between points in Oklahoma and certain points in Texas, and between certain points in Texas, on the one hand, and, on the other, points in Cooke County, Tex. Vendee is authorized to operate as a common carrier in Texas, Oklahoma, and Kansas. Application has not been filed for temporary authority under section 210a(b).

#### MOTOR CARRIERS OF PASSENGERS

No. MC-F 7229. Authority sought for purchase by MOUNTAIN VIEW COACH LINES, INC., 38 Lafayette Avenue, Coxsackie, N.Y., of the operating rights and property of KELSEY BUS LINE, INC., Bronson Street, Catskill, N.Y., and for acquisition by FRANK H. ALBRIGHT and FRANCES R. AL-BRIGHT, both of Coxsackie, of control of such rights and property through the purchase. Applicants' attorney: Leonard H. Warren, Coxsackie, N.Y. Operating rights sought to be transferred: Passengers and their baggage, as a common carrier over regular routes, between Middleburg, N.Y., and Catskill, N.Y., between Catskill, N.Y., and Norton Hill, N.Y., and between Catskill, N.Y., and Hudson, N.Y., serving all intermediate points; passengers and their baggage, during the season extending from the 1st day of June to the 30th day of September, inclusive, between Greenville, N.Y., and South Westerlo, N.Y., serving all intermediate points. Vendee is authorized to

operate as a common carrier in New York. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. McCox, Secretary.

[F.R. Doc. 59-5224; Filed, June 23, 1959; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

Office of the Secretary

FARM TENANT-MORTGAGE INSUR-ANCE FUND; FARMERS HOME AD-MINISTRATION

#### Assignment of Functions

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, paragraph 1 in section 1400 of the Acting Secretary's Order dated December 24, 1953 (18 F.R. 7477), as amended and reissued on October 10, 1957 (22 F.R. 8188), and as amended further on March 14, 1958 (23 F.R. 1836), is hereby further amended to increase the authority assigned to the Farmers Home Administration to issue notes to the Secretary of the Treasury in order to obtain cash for the farm tenantmortgage insurance fund, and to read as follows:

SEC. 1400 Assignment of functions. \* \* \*

1. Authority to issue notes to the Secretary of the Treasury, authorized by sections 12(j), 13(b), and 18(a)(4) of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1005b(j), 1005c(b), 1006e(a)(4)), and section 10(d) of the Act of August 28, 1937, as amended (16 U.S.C. 590x-3(d)), provided that the aggregate unpaid principal balance on notes issued and outstanding under this authorization shall not exceed \$40,000,-000.

Done at Washington, D.C., this 18th day of June 1959.

TRUE D. Morse, Acting Secretary.

[F.R. Doc. 59-5219; Filed, June 23, 1959; 8:48 a.m.]

## CIVIL SERVICE COMMISSION

SKILLS, CRITICAL TO THE NATIONAL SECURITY EFFORT

Notice of Positions for Which There Is Determined To Be a Manpower Shortage

Under the provisions of Public Law 85–749, the Civil Service Commission has determined to add the following position to the list of positions for which there is a manpower shortage in skills critical to the national security effort:

Technical Librarian (Administration—Physical Sciences and Engineering), GS-1410-11, located at U.S. Naval Ordnance Test Station, Pasadena Annex, Pasadena, Calif.

No. 123---5

The Department of the Navy may pay travel and transportation costs of new appointees to this position in accordance with travel regulations issued by the Bureau of the Budget.

United States Civil Service Commission, [SEAL] Wm. C. Hull,

Executive Assistant.

[F.R. Doc. 59-5213; Filed, June 23, 1959; 8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3805]

## EASTERN UTILITIES ASSOCIATES ET AL. Notice of Proposed Issuance and Sale of Short-Term Notes to Banks

JUNE 16, 1959.

In the matter of Eastern Utilities Associates, Blackstone Valley Gas and Electric Company, Fall River Electric

Light Company, Montaup Electric Company, File No. 70–3805.

Notice is hereby given that Blackstone Valley Gas and Electric Company ("Blackstone") and Fall River Electric Light Company ("Fail River"), exempt holding companies and public-utility subsidiaries of Eastern Utilities Associates ("EUA"), a registered holding company, Montaup Electric Company ("Montaup"), a public-utility company owned jointly by Blackstone, Fall River and Brockton Edison Company, and EUA have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and have designated sections 6(a), 7, and 12(d) of the Act and Rules 42(b)(2), 44 and 50(a)(2) as applicable to the proposed transactions, which are summarized as follows.

EUA, Blackstone, Fall River and Montaup propose to issue and sell to banks an aggregate principal amount of short-term notes not to exceed, at any one time outstanding, for each company, the total amounts shown below.

[Thousands of dollars]

Participating bank .	EUA	Blackstone	Fall River	Montaup
The First National Bank of Boston	\$1,295		\$2,500	\$3, 300 1, 650
The National Shawmut Bank of Boston The First National City Bank of New York. The Hanover Bank, New York.				2,750 2,200 4 1,100
Industrial National Bank of Providence	740 740	\$1,250 1,250	350	
Citizens Savings Bank, Fall River Fall River National Bank, Fall River Fall River Trust Co			100 100 150	
Total	2,775	2, 500	3,200	11,000

Each note will mature in less than one year from the date of issuance, will bear interest at the prime rate in effect on the issuance date, and will be prepayable at any time in whole or in part without penalty. The proposed notes will be unsecured except in the case of EUA, whose proposed notes will be secured by the pledge of \$3,750,000 principal amount of 4½ percent bonds of Blackstone, due 1988, owned by EUA. It is anticipated that the notes to be issued hereunder by EUA will be repaid prior to December 31, 1959 from the proceeds of the redemption of such bonds in connection with Blackstone's expected divestment of its gas properties.

The proceeds from the proposed issue and sale of notes will be used by the respective borrowers to retire notes to banks outstanding as of July 1, 1959, to make additional investments in Montaup, and/or to pay in part the cost of new construction.

Each of the borrowing companies proposes that in the event any permanent financing is done by it before the maturity of its short-term indebtedness covered by this declaration, the proceeds of such financing will be applied to the prepayment of its short-term indebtedness then outstanding and/or to the purchase of Montaup securities and, in the case of each company, that the amounts of short-term indebtedness that may be outstanding at any one time here-

under shall be reduced by the amount of such proceeds applied to the prepayment of short-term indebtedness. In that connection, Montaup expects on or about July 1, 1959 to issue and sell permanent securities for an aggregate consideration of approximately \$7,200,000, which amount will be used by it to retire a portion of its then outstanding notes, resulting in a reduction by such amount of its maximum indebtedness that may be outstanding hereunder at any one time.

The fees and expenses to be incurred in connection with the proposed transactions, all relating to counsel services, are estimated at \$635, \$210, \$210, and \$265, respectively, for EUA, Blackstone, Fall River, and Montaup.

It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 26, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Com-

5166

**NOTICES** 

mission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may grant exemption from its Rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL]

NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 59-5211; Filed, June 23, 1959; , 8:46 a.m.]

[File No. 7-1999]

#### **MAY DEPARTMENT STORES**

#### Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JUNE 18, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in The May Department Stores common stock; File No. 7-1999.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before July 3, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 59-5212; Filed, June 23, 1959; 8:46 a.m.]

### ATOMIC ENERGY COMMISSION

[Docket No. 50-103]

#### AEROJET-GENERAL NUCLEONICS

## Notice of Issuance of Amendment to Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on May 29, 1959, the Atomic Energy Commission has issued Amendment No. 4 to Construction Permit No. CPRR-27 authorizing Aerojet-General Nucleonics to construct nuclear reactor Model AGN-211, Serial No. 103, to operate at levels not to exceed 75 watts thermal and to include a thermal column, Notice of the proposed action was published in the Federal Register on May 30, 1959, 24 F.R. 4383.

Dated at Germantown, Md., this 17th day of June 1959.

For the Atomic Energy Commission.

R. L. KIRK,

Deputy Director, Division of
Licensing and Regulation.

[F.R. Doc. 59-5207; Filed, June 23, 1959; 8:45 a.m.]

[Docket No. 50-4]

#### NAVAL RESEARCH LABORATORY

#### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to License No. R-5, set forth below, to Naval Research Laboratory authorizing operation of the research reactor facility located in Washington, D.C., with uranium enriched to approximately 93 percent in the isotope uranium-235 as fuel. The fuel previously authorized for use contains uranium enriched to approximately 90 percent in the isotope uranium-235. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor utilizing fuel at the higher uranium-235 enrichment will not present any substantial changes in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. For further details, see (1) the application for license amendment, dated April 30, 1959, submitted by Naval Research Laboratory and (2) a hazards analysis of the amendment by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 16th day of June 1959.

For the Atomic Energy Commission.

R. L. KIRK, Deputy Director, Division of Licensing and Regulation.

[License No. R-5, as Amended, Amdt. 1]

In addition to the activities previously authorized by the Commission under License No. R-5, as amended, the Naval Research Laboratory is authorized to use uranium enriched to approximately 93 percent in the isotope uranium-235 as fuel in the Naval-Research Laboratory reactor in accordance with its application amendment dated April 30, 1959.

In connection with its use of fuel at the enrichment authorized under this amendment Naval Research Laboratory shall comply with the conditions and requirements contained in paragraph 4 of License No. R-5, as amended.

This amendment is effective as of the date of issuance.

Date of issuance: June 16, 1959.

.For the Atomic Energy Commission.

R. L. Kirk,
Deputy Director,

-Division of Licensing and Regulation.

[F.R. Doc. 59-5208; Filed, June 23, 1959; 8:45 a.m.]

### **CUMULATIVE CODIFICATION GUIDE—JUNE**

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during June. Proposed rules, as opposed to final actions, are identified as such.

3 CFR Page	7 CFR—Continued Page	17 CFR—Continued	Page
Proclamations:	Proposed rules—Continued	Proposed rules:	
2980 4679	918 4750		4924
31474679	927 4836, 4924	3	4924
3158 4679	934 4745, 5152	249	4888
3188A 4679	960 4842	18 CFR	
3206 4679	969 4494		
3248 4679	975 4842	Proposed rules:	4523
3296 4607	977 4633		4523
3297 4679	9904752, 5156		5001
3298 4679	10004753, 5158		0002
3299 4771	1001 4494	19 CFR	
33005103	1017 4634		4885
Executive orders:  Dec. 9, 1852 4728	8 CFR		4918
Dec. 9, 1852 4728 July 2, 1910 4925	245 4905	· · · · · · · · · · · · · · · · · · ·	5148
79234959	249 4905	10 11	
108244447	9 CFR		
10825 4825	73 4514	19 5149.	5150 5150
	78 4949		4919
5 CFR	975140		4918
6 4505, 4545, 4607,	1804952		5150
4647, 4771, 4901, 4947, 4987, 5013			5117
27 4987	10 CFR	314	
6 CFR	Proposed rules:	Proposed rules:	
331 4545, 4587, 4869	Ch. I 5152		4563
421449, 4545	20 4564	20 CFR	
4274869, 4876, 5116	140 4564		
4814647	12 CFR		5018
4835133	2064906	336 5018, 8	2118
100.00-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0	2204697	21 CFR	
7 CFR	2214698	3	4698
51 4681, 5103	224 5116	120 4727,	4830
58 4987	522 4830	304	4698
68 4682	Proposed rules:	Proposed rules:	
210 4772	545 4564	9 4	4664
301 4505, 4649	14 CEP	19	4495
330 4650	IT CIN -		4518
718 4507, 5141	1—199 4650	121 4664, 4	
722 5105, 5106	60 4830 203 5016		4518
723 5106		25 CFR	
725 4682, 4947	225 4906 242 4609		5019
728 4507, 4949	2634882	242	
8135113 9224613, 4827, 5013	2924590	Proposed rules:	
936 4693, 4901, 4903, 4904, 4989-4992	2954907	171	4519
937 4881	301 4883	172	4519
9454509	3024883	26 (1954) CFR	
953 4447, 4614, 4827, 4882, 5015	400-635		4831
9624449	507 4590, 4609, 4650, 4651	1704614,	
968 4550	5655017	197	4788
969 4827, 5015	608 5116		4789
10014828, 5016	609 4610, 4912, 5142		4790
1003 4510	610 4694, 4697, 5145		4791
1015 4694	Proposed rules:		4820
1020 4725	6004964_4969	245	<del>4</del> 820
1021 5016	6014964_4969	251	
1022 4727	15 CFR	296	4623
1065 5016	1 5116	Proposed rules:	
1067	3824488		4495
1069 4829	3994488	170	
10704694		173	
Proposed rules:	16 CFR	195	
52 5152 56 4997	13 4478, 4479, 4514,	240	
56 4997 68 4597	4588, 4589, 4607, 4652, 4884, 4917,	250	
814699	4952, 4992, 4993, 5017, 5018, 5148	252	7174
301 4635	303 4480	29 CFR	
723 4964	17 CFR	4	4953
725 4964	2 5117	Proposed rules:	
7274964	95117	681	4496
904 4745, 5152	105117	32 CFR	
909 4748	115117		4551
9114920	2304953, 5117		4551
		·	

### FEDERAL REGISTER

32 CFR—Continued Page	39 CFR Pa	- 1-10 CIK	age
3 4552	168 4453, 4513, 472	27   531 45	597
4 4552	Proposed rules:	99 46 CFR	
54553	95 496	10 i	)22
6 4553 7 4553	41 CFR		123
84559	1—144		
10 4560	1—1244	100	23
11 4560	1—164454, 488	/ <del>*</del>	23
12 4560	Proposed rules:	78 4960, 50	)23
14 4560	202 459		23
16 4561		97 4960, 50	)23
30 4561	42 CFR	110 50	023
536 4591	1 45:		335
561 4628	43 CFR	16049	961
571 4832	76 46		962
633 4591	192 463		
1453 4595	Public land orders:	-	)23
1709 4954	309 448	<sub>28</sub>   47 CFR	
32A CFR	587 459	24   2 49	963
BDSA (Ch. VI):	1714 488	36   3 4491–4494, 46	330
DMS Reg. 1, Dir. 5 5020	1762 448	38   11 46	359
OIA (Ch. X):	1860 459	7   12 4516, 4550, 46	i60
OI Reg. 1 4654	1861 448		360 _
33 CFR	1862 448		332
19 4773, 4835	1863 448	Thomasad milas	<i>j</i> 61
116 4596	1864 45	l	
1464954	1865 451	-~   10 4o	519 969
2024773	1866 45	-	109
2034561, 4629, 4919, 5150	1867 450	14   47 Crk	
2054561, 5150	1868	-   V	730
207 4561, 4919, 4993, 5150	1870 472	- 1 30 #174, 499 <del>4-4</del> 9	96
36 CFR	1871 472		398
	1872 472	-   x22	119
1—34 5045 Proposed rules:	1873	347 47	730
14519	1874 488	1 1 1 oposett i ties.	
	1875 488	26 100 40	335
37 CFR	1876 488		160
201 4955	1877 490		
202 4956	1878 495		96
38 CFR	1879 495	59   105 46	363
	1880 511		63
6 5021 8 5021	44 CFR	108 4663, 51	
8 5021 21 4994	[ *	10946	63
Z 4994	401 511	19   115 46	63